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Presented to the



By the Author



A LETTER,

ADDRESSED TO THE

RIGHT HONOURABLE EARL GREY,

&c. &c. &c.

ON THE STATE OF OUR

POLITICAL & COMMERCIAL RELATIONS

WITH

PORTUGAL.

BY WILLIAM WALTON.

"AB ALIO EXPECTES ALTERI QUOD FECERIS."



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LETTER, &c.



MY LORD,

MY own observations and such lessons as I have imbibed from the study of our best masters in the science and practice of politics, always led me to think that nothing was more opposed to the true interests, and more derogatory to the character of Great Britain, than for her to violate, or tamely suffer others to violate, the rights of independent nations, by interfering in the regulation of their internal concerns; or obstructing their efforts to arrive at that precise form of government which their institutions prescribe and their individual safety demand. I have been accustomed to hear our leading statesmen declare that it was our preferable, safest and more honourable policy to perform that part, faithfully, which our rank and the respect of other nations had assigned to us; whilst, with pleasure have I heard them contend that the most sacred and

imperative obligation, thereby imposed, was, the maintenance of the just rights and independence of the several nations, constituting the European Commonwealth.

Nature, in bestowing upon Britain the elements of greatness and favouring her with a position that shields her from external attack, has raised her in the scale of nations and identified her with the protection of the weak; at the same time that the principles of her Constitution and the good sense of the people, command her rulers to confine their ambition within just and equitable bounds. It thus becomes alike her duty and her glory to defend those who claim her support; and, when she loses the high prerogative of being heard on the Affairs of Europe, which has so long distinguished her, from that moment, the patriot's mind, no matter the division of the globe in which he resides, will be filled with sympathetic sadness.

In support of this principle, we nearly risked our all, at a period when the most powerful league, ever recorded in history, was arrayed against us. We nevertheless persevered and, by the gallantry of our troops, the vigilance of our navy and the aid of our allies, came out triumphant; but, if Fate had ordained otherwise; had all our sacrifices of blood and treasure then failed, so noble was the cause in which we were engaged, that a popular orator,* speaking of the crisis of 1812 and forboding the worst, from his place in the House of Commons, feelingly exclaimed—"Yet, after the general subj-

* Sheridan, July 21, 1812.

gation and ruin of Europe, should there ever exist an independent historian to record the awful events which produced the universal calamity, let that historian, after describing the greatness and glory of Britain, have to say—She fell, and with her fell, all the best securities for the charities of human life—for the power and honour,—the fame,—the glory and liberties of herself, as well as of the whole civilized world.”

Great Britain, consequently, cannot be indifferent to what is passing on the contiguous Continent. She cannot disregard those signs which indicate future movements among the States of Europe, dangerous to that equilibrium which has hitherto preserved the whole Confederacy. Again, may we with confidence say, “Soars Gaul’s Vulture, with his wings unfurled,”—the storm is at hand, and it behoves us in time to guard against the consequences. No practicable effort ought, therefore, to be neglected that can enable us to take the firm and dignified attitude which the agitated state of Europe requires. This we are bound to do for our own honour and the general welfare. Rancour and inveteracy are again the prevailing vices of the day, and their shafts more directly levelled against us. Britain is thus called upon to prove herself the friend of order and justice, and, if her principles of action are sound and unchangeable, their application must be alike to all. Each portion of the Great Family becomes the immediate object of her solicitude; and being thus bound and thus situated, she cannot withdraw her attention to objects of more equivocal policy.

Imbued with these maxims, I have ventured to address your Lordship on our Political and Commercial Relations with Portugal, a subject respecting which the country seems still to be in a strange state of delusion—a delusion, I regret to say, at first artificially created, and since kept up for interested purposes ; till, at last, the whole community, with few exceptions, has become the too willing slave of its own prejudices. The manner in which the Portuguese question was treated, from the very first, is one of those striking instances of national giddiness and public folly which our own fertile annals can afford, even in modern times ; and if, in my present effort, I should be fortunate enough to throw any new light upon a subject which I cannot but consider of vital importance, I shall be amply repaid by the reflection of having performed a duty to my countrymen. There never was a time when enlarged views of our interests, foreign and domestic, for the purpose of combining them in one solid and vigorous system, were more necessary than at the present moment. This is the only means of calling forth a policy, suited to the present exigencies, as well as the future prospects of the Empire ; and his intentions consequently will be treated with respect, who voluntarily steps forward with his humble offering.

Early associations may, perhaps, have created in my mind a more than ordinary predilection for a country, in which the most florid years of my youth were passed ;

Agnosco veteris vestigia flammæ ;

and yet I have heard others, more entitled to public

consideration than myself, speak of the "Benign Mother of glorious Discoveries," with equal interest and enthusiasm. I cannot turn to a page of their history, without being struck with traits which record the bravery of the Portuguese, and remind us of their constant and characteristic fidelity to their lawful Sovereigns. I never can obliterate from my memory the signal services rendered to mankind by Portugal; I cannot be unmindful of the proud attitude in which she stood, at the commencement of the fifteenth century, as beautifully delineated by our favourite Bard;

——— "For, then, from ancient gloom emerg'd
The rising world of trade; the Genius, then,
Of Navigation, that, in hopeless sloth,
Had slumbered on the vast Atlantic deep,
For idle ages, starting, heard, at last,
The Lusitanian Prince* who, heaven-inspired,
To useful love of glory rous'd mankind
And in unbounded commerce mix'd the world."

We must not besides forget that, whatever have been the transitions through which Portugal, in more modern times, has passed, she is still to be viewed as a nation, once celebrated in every quarter of the globe; as enjoying a geographical position of the highest importance; as abounding in valuable resources; as capable of a trade of great magnitude, even after all her Colonial losses, and as presenting

* Prince Henry, second son of John I. He was the discoverer of the Azores and Cape de Verd Islands. He also pursued his discoveries along the coast of Africa, for forty years, and died in the certain prospect that a route to the Eastern World would soon crown those enterprises to which he himself had given birth.

an innumerable series of interesting objects to the consideration of the Historian, the Statesman and the Merchant. Above all—we can never regard Portugal in any other character than as an old and tried Ally, preeminently distinguished by the title of “*Faithful*.”

All this I have, nevertheless, sometimes been inclined to treat as a chimera—as the magnificent picture of a heated fancy, when I reflected on the present state of our relations with the Court of Lisbon. I almost doubted the evidence, spread before my own eyes, when I came to reason with myself on the indifference we evince towards a country which, it was never yet denied, has made the greatest sacrifices for us. I almost fancied myself carried back to that crisis when every thing dear to us, as individuals, and every thing valuable to us, as a nation, was at stake—I mean, when we first learnt the military importance of the Peninsula and the steady devotion of its inhabitants. Often, was I astonished at the sentiments which I then heard uttered, in the House of Commons. I was thunder-struck at the ignorance which prevailed among us regarding the affairs of the Peninsula. Under the circumstances in which we were at that period placed, one would have thought that party-feeling ought to have subsided; that opposition should have ceased and that impediments would not have been sullenly raised, in order to embarrass the progress of a struggle, the unsuccessful termination of which must have indiscriminately involved all parties in one general ruin.

Influenced by the most unaccountable infatuation,

to my great surprise, I then beheld public men, whose patriotism could not be doubted, although their prejudices appeared unconquerable, condemn every thing that was done to unite the interests of the Peninsula with our own. The ardent spirit of two nations, bereaft of their lawful sovereigns, was uncherished, and even signal victories pronounced barren of fruits, by a party, seemingly accustomed to admire the delusive splendour of that fatal conflagration which, after destroying every thing venerable in France, threatened to extend its ravages to all contiguous States.

Often also, as I pondered on the present position of our affairs, in the same countries, I have asked myself—are those times of delusion returned—is this endlessly destined to be made a party-question? To it, I shall ever feel proud to reflect, I early turned my attention and repeatedly ventured to publish the result of my inquiries; yet, when I reverted to the state of public opinion among us, I almost apprehended that I had entered on a field of doubtful speculation. Still I was satisfied with my diligence, and, before I drew any one of my inferences, balanced well, in my own mind, the weight of the conflicting evidence adduced, strengthening my conclusions by such authorities as I found deserving of credit. The question of right is now happily set at rest, Brazil having pronounced the first verdict; that of expediency is therefore the only one that remains to be considered.

Having established, as a leading principle, that our vital interests lie in Europe and that, in guarding them, the Peninsula presents itself in a prominent

point of view, it is difficult, in an undertaking, like the present, to look at only one of the two divisions of which it is composed, particularly as in both we found a ready theatre of action and there experienced the aid of all kinds of physical, as well as moral, circumstances. The very configuration of a country that holds so imposing an attitude on the Chart of Europe, is besides interesting to a power that rules by sea; and recent events have further tended to create, between both component kingdoms, a sympathy of feeling and an identity of interests which we cannot fail to respect, notwithstanding our alliance is more immediately confined to one.

Agitation prevails in the general mass of European population, mixed with disappointed hopes and exaggerated ideas, threatening to disturb that distribution and equipoise of power which it was the object of modern policy to preserve. A restlessness pervades all ranks of society, and constituted governments are already at a loss how to check the fiery spirit that has begun to blaze, with alarming fierceness. Whether the minor States may hereafter be threatened by any new eruption of violence, or ambition, it would be difficult at this moment to foresee; but we cannot disguise the fact that, by recent occurrences, the French are now brought back to the very period at which they once before started in the career of subversion and conquest, with the experience of the past before them. It remains therefore to be seen whether implicit reliance can be placed on their forbearance and moderation; or whether their government will have sufficient prudence and

adequate power to suppress the internal energy and curb the growing temper of the day.

Reflecting on the important objects of the present European system, embracing, as it does, a variety of interests, we are thus forcibly struck with the possibility of its being endangered, through the operation of unforeseen and uncontrollable causes. This, therefore, suffices to put us on our guard; and permanent security having always been the aim of our past efforts and the great desideratum of our present wishes, we are naturally led to an estimate of the force that appears interested in the support of order; that being the evident strength on which our reliance is to be placed; nay, in the perilous situation in which we stand, it thence becomes our duty not only to have the best possible understanding with all our allies; but also to uphold among them a coincidence of views.

Present appearances would consequently suggest the most diligent precaution, as, in case a difficult crisis should ensue, any discordance might render a combined plan of operations impracticable; at the same time that it ought to be borne in mind, that weakness and disunion would inevitably serve as an excitement to aggression. Vigilant exertions are thus rendered requisite on the part of the guardians of the public peace, until time and the force of public opinion shall have guaranteed the established rule, and of these exertions an important share necessarily devolves upon us.

Whatever turn affairs may take, it is, above all, of the highest importance that a favourable opinion should every where be entertained of the uprightness

of our policy and the integrity of our views. In order to diminish our moral influence, the governments which sprung out of the French Revolution, were indefatigable. They represented us as bent only on low and selfish interests ; as confiding on the security of our insular fastness, and reckless of the sufferings of others. Again are the same reproaches eagerly repeated by those who have an interest in placing our policy in the most odious point of view ; or dread the consequences likely to follow the vigour of British interposition. The Revolutionists of Southern Europe, it is well known, openly blame us for the failure of their subversive plans and would glory in a fair opportunity of revenge.

If, therefore, any coalition should be required ; if, for the general safety of the whole, it should be found expedient to knit the several concurring States together ; to encourage their resistance and fix the irresolute, we must commence by inspiring them with a perfect confidence in our zeal. It is only by a feeling of security and an entire reliance on the sincerity of our professions, that they will become true to their own independence, when menaced by attack. Our obligations towards those who were our immediate allies, during the late war, are indeed still more imperative, as we, in some measure, guaranteed to them that stability which we helped them to achieve—and the destinies of nations cannot be trifled with. Confidence in the durability of repose is essential to their happiness, and without this no government can acquire strength—no institutions take root. In order to enable them to pur-

sue their respective plans of social welfare and fortify themselves in that post which they may be called upon to defend, they must know, before hand, the form of existence which they are destined to retain; and this would be utterly impossible, unless they were well assured that the honour and interests of that power to whom they may have to appeal for support, are identified with their own.

We are therefore called upon to be prepared for every emergency, and, without assuming an angry, or suspicious attitude, to await the development of those events by which we may be immediately, or remotely, threatened. It is fervently to be hoped that the peace of Europe may not be disturbed; but, on that account, we are not to slumber. We have a circle of foreign interests and relations around us, within which, in extreme cases, our interference must be felt. Whatever these interests and relations are, it is our best policy to cultivate them with candour and diligence, and by this means early secure to ourselves the esteem and good will of those to whom they extend.

What nations are most preeminently entitled to the appellation of allies, thus becomes the next topic of inquiry, and, in order to clear up any doubts upon this point, I find no authority more respectable than that of a lamented Statesman, whose memory is revered by all parties.* Speaking upon this subject, the experienced patriot "appealed to the policy of our ancestors, who had always regarded Holland and the Peninsula as those parts of Europe with

* The Earl of Liverpool, March 21, 1811.

which it was essential to our best interests to maintain a close connection. In pursuit of this object, thus deemed of such importance," he added, "the best blood of our country was lavished, a century ago." Again, nay, on a previous occasion, whilst repelling the attacks of the Opposition und answering the question—"What had we gained in the Peninsula?" the same orator, rising from his seat in the House of Lords, indignantly retorted thus—"Why—we had gained the hearts and affections of the whole population of Spain and Portugal—we had gained that of which no triumphs,—no successes of the enemy could deprive us. In Portugal, such was the affection of the inhabitants, that there was no want of a British soldier that was not instantly and cheerfully supplied.*

Another statesman,† of whose services the country, at a more recent period, was prematurely deprived, during the Debate on the Foreign Treaties, (Nov. 11, 1813) emphatically observed—"So much for the state of Europe; but, has this country gained nothing by the glorious contest, even supposing peace should be far distant? Is it no satisfaction—no compensation to her to reflect that the splendid scenes, displayed on the Continent, are owing to her efforts? Is it nothing to Great Britain, even purchased at so high a price, that, under all the severity of her sufferings and while her trade declined, her military character has been exalted? The victories of Germany are to be attributed to our victories in the Peninsula. That spark, often feeble; sometimes so

* February 22, 1810.

† Mr. Canning.

nearly extinguished as to excite despair in all hearts, not above it, which we lighted in Portugal—which was fed and nourished there, at length burst into a flame that dazzled and illuminated Europe. The Portuguese are now looking upon the walls of Bayonne, which “circle in those wolves” that would have devastated their capital; the Portuguese now behold on the towers of Bayonne that standard which their enemies would have made to float upon the walls of Lisbon! Great Britain,” concluded he, “has resuscitated Spain and recreated Portugal, and may she still maintain that dignity of station and support that grandeur and liberality of design upon which she has hitherto acted; may she continue the unoppressive guardian of the liberties she has vindicated and the disinterested protectress of the blessings she has bestowed.”

In the very same times of danger and uncertainty, Mr. Perceval* prophetically remarked “that it was impossible to suppose, that it could be the divine intention of Providence to permit the continuance of that system of oppression and usurpation, under which Europe had so long groaned. It may not, perhaps, be presumptuous in us to hope,” continued he, “that we may be the instruments of delivering the world from its thralldom. It is not impossible, in the dispensations of Providence, but that in that very Peninsula in which the tyranny of France has been so cruelly manifested, she may receive her death-wound—if not, her grave.”

* Vote of Thanks to Lord Wellington for the Defence of Portugal, April 26, 1811.

Lord Sidmouth, in a very early stage of the contest,* also acknowledged “that he should feel much reluctance at withdrawing our succours from Portugal. Her long attachment to this country, the sincerity of which had been so forcibly evinced, at different periods, and most particularly in 1762, was such that we ought to feel it incumbent upon us to afford her every assistance in our power.” Finally, Lord Grenville, reverting to the past; desirous that the repose of Europe and the rights of independent nations should not be again menaced by revolutionary madness, and, as if proud of the enviable position in which the country stood, towards the close of the struggle, forcibly exclaimed†—“The crisis is now arrived, when the mighty object to which our wishes have been so long and so painfully directed, is near its accomplishment. We fought for that which we all along professed to fight for—we armed for that for which we all along boasted that we armed—we have maintained the contest for those objects for which we always declared we maintained it; viz. as the only possible mode of asserting the independence of other States, and, through their independence, supporting our own. The period has now arrived when all Europe, with one voice, assents to the truth of our assertion; and though it be indeed late, yet, with the blessing of Heaven, it will not be too late for the full accomplishment of our great and benevolent design. It has been to us long manifest, that it was only by continued resistance; by the

* In the Debate on the Convention with Portugal, Feb. 22, 1810.

† Debate on the Address, Nov. 4, 1813.

sacrifice of all partial views and interests ; by a determination to pursue just measures and common objects, that the mighty fabric of French power, long augmented by the ruins of neighbouring States, was to be demolished and reduced to such limits, as were consistent with the security and tranquillity of the other kingdoms of Europe. I offer up my humble thanks, with humble gratitude to the Supreme Disposer of events that, after so long a period, he has permitted me to behold my native land in such a commanding situation, as to be able again to pursue that which ought to be the only legitimate object of foreign policy—I mean, the establishment and preservation of a balance of power in Europe.

“ If we may now hope to resume that influence on the Continent which we formerly enjoyed, to which the struggle of Great Britain, long almost singly maintained—to which the powerful assistance she has afforded to the common cause—to which the uprightness and disinterestedness of her motives, entitle her, we may, with gratifying, but not arrogant self-complacence, discharge those duties which, while they promote and secure the permanent interests of our own country, are not less conducive to the general welfare of Europe. Be assured, my Lords, that there is for this country no separate peace. There is neither safety nor peace for England, but with the safety and peace of Europe. As for Continental Europe, it is equally true, that an indissoluble union—a firm confederation, in conjunction with this country, can only secure, for all, liberty, tranquillity and happiness ; can only obtain peace, now almost beyond the memory of living man. The plain duty of the country, placing its

trust in Providence, is to improve, by every possible exertion, the bright prospect that lays before us. With the energies of Great Britain, duly applied, ultimate success may be confidently anticipated. We may now look forward to the speedy accomplishment of that great purpose, for the attainment of which we have already sacrificed, performed, and endured so much; and for which we are still ready to sacrifice, perform and endure."

It would be impossible to forget that, for a purpose the most noble, we carried on protracted hostilities in Spain and Portugal, under every species of adversity, during which our officers displayed a new military enterprise, and, to the dismay of the enemy, evinced principles which subsided into the steady measures of scientific war. We then sought our foe upon that very Continent which, in the moments of delirium, he had arrogantly called his own; and, finding in the two nations of the Peninsula firm and devoted allies, eventually achieved the ends contemplated by the Grand Confederacy, and successfully terminated a war of the most unprincipled aggression.

The above may suffice to shew the importance of that country, in a political point of view; I shall therefore proceed to the consideration of our Commercial Relations with Portugal, which it is my intention briefly to trace to their very origin.

Our intimacy with Portugal commenced, during the earliest days of that monarchy. An army of adventurers, stated to have amounted to 14,000 men, embarked in 200 ships and composed of English, Normans and Flemings, bound to the Holy Land, owing to stress of weather, put into the Douro, where they waited eleven days for their leader,

Count Arnold de Ardescot, whose vessel had been separated from the rest. In the interval, a negotiation commenced, through the medium of the bishop of Oporto, and it was eventually arranged that the fleet should proceed to the Tagus, where it arrived on the vigil of St. Peter and St. Paul, 1147. Alonzo I., lately proclaimed king, was at that time preparing his second attack upon Lisbon, a formidable position, garrisoned by a large army of Moors. The crusaders accepted the overtures made to them and, having landed, materially contributed to the success of the enterprise.* For this assistance they received a large portion of the plunder, together with valuable grants, of which many availed themselves by remaining in the kingdom. Almada and Sacavem were settled by Englishmen, belonging to this expedition. On the taking of Lisbon, an Englishman, of the name of Gilbert, also embarked in the fleet, was appointed Bishop; and it is a curious fact that he ordered the breviary and missal, of the Anglican church of Salisbury, to be used in his diocese, which practice continued till the year 1536, when the Roman Liturgy was introduced.†

* These particulars are stated in a curious Latin letter, written by Arnulfus, a person of distinction and one of the crusaders, in 1147, printed in the *Veterum Monumentarum*, vol. i., page 800. Paris, 1724. During the siege, the English were posted in a tower, purposely constructed, to the West, and the Flemings in another to the East, of the city.

Far from the North, a warlike navy bore,
From Elbe, from Rhine and Albion's misty shore,
To rescue Salem's long polluted shrine
Their force to great Alonzo's force they join.

Lusiad, Book iii.

† Cunha, Bispos de Lisboa, part i., chap. i. Pereira, Chron. do Carmo, Tom. ii., part 1.

This circumstance gave rise to frequent epistolary intercourse between the two countries; but the predatory spirit of the age, in which our island had its full share, was adverse to commercial pursuits. Through the intervention of the Earl of Flanders, Edward I. however granted safe-conducts to the merchants of Portugal, bearing date of 17th February, 1294, on conditions of reciprocity.* A quarrel afterwards ensued, in consequence of the seizure of an English vessel on the coast of Portugal, when intercourse became suspended till the year 1308; but proper explanations having been given, letters of safe-conduct were again mutually exchanged. Ours were dated October 3rd, and stipulated that the Portuguese should "trade fairly, pay the usual customs and obey the laws of the land, while residing in it."† In the year 1344 (January 8) the Sheriffs of London were commanded to make proclamation "that the Portuguese should be received as friends and allies, exactly conformable to Edward's policy of conciliating the neutral powers.‡ In July, 1352, Alonzo IV. having granted more protection to English traders in his dominions, our Edward III. did the same, by giving special letters to the commanders of five Portuguese vessels.§

The first Treaty made between England and Portugal corresponds to the year 1373, during the reigns of the same Edward|| and Ferdinand I.; but its

* Rymer's *Fœdera*, Vol. ii. p. 627.

† Ibid, Vol. iii. p. 107.

‡ Ibid, Vol. v. p. 402.

§ Ibid, pp. 740—1.

|| Ibid, Vol. vii. p. 17.

stipulations were merely those of general alliance, most probably arising out of the conflicting pretensions, in those days, started to the Crown of Castile.* It is however on record that the King of Portugal secretly sent a minister to the English court, with offers to support the views of John, Duke of Lancaster, and from that period it is concluded that a closer intimacy between the two courts was cemented.

The earliest remarkable mention I find made, in Portuguese history, of British Resident Traders in that country, occurs in a long series of Grievances, presented by the Cortes of Evora, in 1482, to King John II. This series is divided into 174 heads, or chapters, all relating to the internal administration. The complaint alluded to is curious, and being confident that it never before appeared in English, I subjoin an entire version.†

“Item—Sire, the Inhabitants of your Kingdoms receive great injury and your rights equal detriment, from therein allowing foreign establishments, such as of English, Flemings, Castilians and Genoese; the consequence of which is, that the English Resi-

* Our commerce was at so low an ebb in 1354, that the exports were 294,184*l.* and imports 38,970*l.*

† The whole record, copied from the original, kept in the Torre do Tombo, is inserted by the Viscount de Santarem, in his interesting work, entitled *Memorias para a Historia e Theoria das Cortes Geraes*, &c. (Lisb. 1828.) This transcript and that of the Cortes of Elvas, held under Peter I., in 1361, are beautiful specimens of the manner in which the ends of internal administration were formerly promoted, among the Portuguese, and both are now reproduced by the learned and noble antiquarian, as he himself declares, in order to shew “that our Cortes were not the shadow of mere popular privileges, divested of reality, as the innovators of the day have sought to inculcate.”

dents, regularly every year, bestir themselves at the wine and oil season, for the purpose of ascertaining the quantities on hand and probable prices, according to the appearances of the times; and, in order to learn the same with more certainty, at the period of the crops, they bribe a broker to carry them round the district of the City of Lisbon, who shews them all the estates, and there they minutely inquire into the quantities of wine, oil and other articles to be found; which information, as soon as obtained, they send off to their own country for the use of their partners; in such manner that they are informed before hand of the merchandize that is to be sent therefrom, according to the appearances of the times, in order to sell it well and make better purchases; they always thus being on the alert, whereas your subjects are thrown off their guard: and according to the said advices, when the English would otherwise bring to the City of Lisbon three thousand pieces of cloths, they only bring one thousand five hundred, and this is occasioned by their residence here, as they send over accounts of the signs of the times, in order the better to sell what they bring over and with greater profit purchase their returns; likewise, the Flemings and Genoese never do any good to your Kingdoms; they rather rob them of their gold and silver coin, and discover your secrets regarding Mines and the Islands; and, as for the Castilians, those of them who, for their malpractices in their own country, are despised and driven therefrom, in your Kingdoms are received and cherished; from which you experience great disservice, because all endeavour to diminish your rights and destroy

your Kingdoms; in consequence whereof, Sire, your People beseech Your Highness, from this time henceforwards, not to allow the said Residents in your Kingdoms, or Lordships, and that they should go peaceably away, until a certain time; and that every foreign merchant shall return in the ship, or vessel, in which he came, under a certain penalty, because foreign Residents and Merchants, if permitted to remain, are a living plague (*plaga viva*) that destroys the land; and the aforesaid will promote your service and be of great advantage to your native subjects.

“ANSWER. The King answers, that he deems it proper that those who are at present residing here, as well as those who may hereafter come, shall not be permitted to abide and have establishments in his Kingdoms, without having previously obtained his special license; and that no others shall remain permanently in the country than those whom he may deem necessary, and who may well, as they ought, and to the advantage of the Kingdom, carry on their dealings; and whosoever does otherwise, shall be arrested and lose every thing found appertaining to him, in the said Kingdoms and Lordships thereof.”

In the same Cortes, a similar complaint was instituted against the residence of foreigners, in the Portuguese Islands, owing to which the national vessels, it is stated, were deprived of their freights and the Crown of its legal revenue; the cargoes, chiefly consisting of sugars, being shipped to other countries; whereon, at the expiration of a year, all foreigners, unprovided with a royal license, were

ordered to depart, under the penalty of imprisonment and confiscation.

About the year 1560, Antwerp was in the zenith of its prosperity and several rich Portuguese houses established there, carrying on commerce with their native land, to which they sent quicksilver, copper, brass, tin, lead, arms, &c. ; and receiving, in return, Eastern jewels, spices and drugs, as well as cotton, indigo and sugar, from the coast of Africa, and also Madeira wines, oil, salt, &c. Here the principal commerce of Portugal was then concentrated.

In 1571, Queen Elizabeth entered into a Treaty of Alliance and Commerce with King Sebastian, whilst a minor, and consequently during the administration of Cardinal Henry, afterwards Henry I. ; stipulating, "*Ut perfecta esse amicitia et liberum utrinque commercium ; neuter quicquam ni alterius præjudicium attentaret, nec hostibus, rebellibus, aut proditoribus alterius auxilium præstaret ; merces, pecuniæ, naves sub arresto detentæ, restituerentur.*" Ever since the year 1553, the English had been in the habit of trading to the coast of Africa, of which the Portuguese were the original discoverers, and this, as it was then deemed, intrusion, led to serious differences, which it was the object of the above Treaty to adjust, rather than to place the commerce between the two monarchies on a new footing. The English were not for the moment molested in the Guinea trade ; but, in 1573, Queen Elizabeth appointed a commission to inquire into depredations, committed by the Portuguese ; at the same time ordering an account of their property, found within her dominions,

to be taken, in order that compensation might be made to the sufferers.*

English subjects, settled in Portugal, nevertheless continued to enjoy special favour and protection from the Sovereigns; some individuals having licences, containing privileges and exemptions, bestowed upon them, as acts of grace, till the annexation of that country to Spain, when our commerce was placed upon the same footing as in the other dominions of the Castilian Crown.

The Portuguese, it will be remembered, effected their liberation through their own efforts, and the authority of the new sovereign being acknowledged by England, a Treaty of Peace and Commerce was accordingly concluded between Charles I. and John IV., and signed in London on the 29th January, 1642. After stipulating the usual introductory terms, Article 1st declares that "neither party shall enter into any war, or treaty, that may be prejudicial to the other; 2nd, that a mutually free commerce shall be established between the two kingdoms, as well as the islands and dependencies thereof; the loading and unloading of vessels allowed on the payment of the customary duties, with right to dispatch the same either home, or to any other country the parties interested may think proper; 3rd, that the respective subjects shall not be ill-treated; shall have the advantages of natives and the British placed on the same footing as provided by the Treaties existing between Great Britain and Castile; 4th, that British subjects shall have free trade and access to all the European dominions of Portugal, in a manner

* Rymer's Fædera, Vol. xv. p. 721.

similar to other allies, and there enjoy the same privileges as before the union with Castile ; 5th, that both parties respectively shall only ship such articles as suit them ; 6th, that if the Inquisition should seize the property of a Portuguese, or foreigner, who is, or may become, indebted to a British subject, the seizure shall only last one year and the debt recovered ; 7th, that British officers and sailors shall not sue for wages, on pretext of being Catholics, or wishing to enter the Portuguese service ; 8th, that British Consuls shall not be disturbed in their official duty, on account of their religion ; 9th, that on a British subject dying, the judicial authorities of the land shall not take charge of his property ; 10th, that British vessels and property shall not be taken for the King's service ; 11th, that British subjects shall be allowed to ship all kinds of merchandize, arms included, and convey the same to any part, except Portuguese dominions and those of Castile ; 12th, that the truce made in India shall be confirmed ; 13th, that British subjects, established on the coast of Africa, shall not be molested ; 14th, that British subjects shall be put upon the same footing as those of Holland ; 15th, that they shall enjoy the same, or greater, privileges than the subjects of other allied powers, as regards arrests, books of accounts, residence and property ; 16th, that, as the freight for British vessels, employed by Portuguese in the Brazil trade, had not been stipulated, within two years, commissioners shall be appointed to regulate the same ; 17th, that the English shall not be molested on account of their religion ; but, in this respect, enjoy greater freedom than may be granted to others ; 18th, that, in case any differences should

arise and end in war, two years shall be mutually allowed to the respective merchants for the final disposal of their property; 19th, that if any thing should be done contrary to the stipulations of the present Treaty, it shall not on that account be considered as broken; but due atonement made by the offending party; 20th, that this Treaty shall not be considered as derogating from any other made by the King of England; 21st and last, pledges a strict observance of all the conditions, &c.”

In this manner was our connection with Portugal first defined. By virtue of this transaction, the latter gained the advantage of our recognition; but, for this act, whether of justice, or of policy, Holland had been long prepared, notwithstanding the war which the Dutch were at the moment carrying on in Brazil; and, in consequence of this favourable disposition and as a means of further conciliation, a grant of free trade to Portugal had, in the previous year, been made to them, dated January 21, 1641, as acknowledged in the 14th article of the above Treaty. Holland was, at that time, our rival in commerce as well as in maritime power, and our ancestors must besides have been obviously influenced by a variety of other considerations. France had also some time before acknowledged the new dynasty in Portugal, as seen by the letters of Louis XIII. and Cardinal Richelieu to King John IV., the first dated the 14th and the second the 15th June, 1641.*

In return for this favour, if such it can be called, the substantial benefits which we acquired, were, a

* These two documents are published entire in my Letter to Sir James Mackintosh, p. 285 et seq.

free commerce and special protection in Portugal, even in opposition to the interests, as by themselves expressed, and religious prejudices, of the inhabitants; the means of holding fixed property; of carrying Portuguese trade to Brazil, together with a variety of exemptions, not even enjoyed by natives. Commerce on the coast of Africa was also confirmed to us, and our traders at once freed from those levies, embargos, and contributions, for the public service, to which, in Spain, for example, the subjects of all countries, in those days were exposed; for it must be recollected that it was not till the year 1667, that the Treaty was concluded with us which guaranteed to British traders and residents in the Peninsular dominions of Spain, those privileges which Philip IV. had granted to us in Andalusia.*

The next Treaty made with Portugal was during the Protectorate of Cromwell, which many natives have likened to those dictated by the Romans to their vanquished enemies. The Portuguese, I do not hesitate to say, have always considered this not only an onerous; but also an humiliating Treaty, and the terms, as viewed at this distance of time, really seem to have been more enforced, than balanced, according to any known principle of reciprocity.

The attitude in which Great Britain stood, at the period alluded to, was truly singular. Speaking of the Commonwealth, Hume observes that, "during the variety of ridiculous and distracted scenes which the civil government exhibited in England, the military force was exerted with vigour, conduct and

* Vide Chalmer's Treaties, Vol. ii.

unanimity ; and never did the kingdom appear more formidable to all foreign nations." We had just defeated the fleets of Holland and compelled the States to sue for peace. The thirty years war was closed, and, as our historian further remarks, " the bold and restless genius of the Protector led him to extend his alliances and enterprises to every part of Christendom ; and, partly from the ascendant of his magnanimous spirit—partly from the situation of foreign kingdoms, the weight of England, even under its most legal and bravest Princes, was never more sensibly felt than during this unjust and violent usurpation."

In circumstances, like these, the new Treaty with Portugal was concluded ; but, before I enter into a discussion of its merits, I must convey some idea of the manner in which the previous compact was broken.

The curious dilemma into which the British fleet was thrown, through the broils between Charles I. and his Parliament, are well remembered by the English reader. The Parliament, aware that the possession of the fleet would render them, in the opinion of foreign nations, the supreme power, resolved to dispossess the King of this valuable auxiliary, and, in 1642, appointed the Earl of Warwick High Admiral. Whilst the Presbyterian party held the ascendancy, naval affairs were conducted in an efficient manner ; but, on the accession of the Independents, in 1648, Warwick and the principal officers were removed, to the great displeasure of the navy. The officers newly appointed were sent back, and the fleet passed over to Holland, to take on board

the Duke of York, conformably to the known wishes of the King, at that time a prisoner. The fleet consisted of 17 good ships, although badly fitted and officered ; but this force was nevertheless superior to any the Parliament could bring against it. Intrigues however counteracted all the prospective effects of an incident which, at first, promised so much ; notwithstanding Warwick was restored to the command and joined by several other vessels. After a variety of casualties, on the decline of the King's cause, the remaining ships were put under the command of Prince Rupert, who left the coast of Holland, in July, 1648. He first sailed to a port in Ireland, whence, forcing his way through a blockading squadron, with considerable loss, he proceeded to the coast of France and next to the Mediterranean. By Cromwell's orders, Admiral Blake pursued the Prince, and finding him in the harbour of Lisbon, haughtily demanded his expulsion. Receiving a refusal, the Admiral blockaded the entrance of the Tagus and took and destroyed a fleet of 15 Portuguese vessels, coming from Brazil.

Thus was our first Treaty with Portugal rescinded ; these occurrences happening in the months of September and October, 1650. Any elaborate inquiry into the merits of this case, according to the principles of international law, or the state of our existing relations, at so remote a period, would be of no avail ; but, in looking at the affair, it must be taken into consideration that the 19th Article of the Treaty in question provides thus ; “ And if, during the present Peace and Friendship, any thing should be undertaken, committed, or done, contrary to the

force and effect of this Treaty, by any one of the aforesaid Kings, whether by sea, land, or fresh water, their heirs, or successors, their vessels, or subjects; nevertheless, the present Peace and Friendship shall retain their full force and value, and those only who may contravene this Treaty be punished for its infraction." Pursuant to the 20th Article, it was further agreed (that is by Charles I. on our part) "that the present Peace and Alliance shall not in any way derogate from the Alliances and Confederations, previously made and contracted between the most potent King of Great Britain and other Kings, Princes and Republics; but that all such Confederations and Alliances shall be firmly preserved and hereafter remain in full force and vigour, notwithstanding the present Treaty of Peace."

Prince Rupert, son of the Elector Palatine, was an officer in the service of Charles I., with whom the Treaty was originally made, and although the latter had been put to death and his power usurped by another, the right of his heirs was still acknowledged by most of the European States. The Prince had, besides, just before entering the port of Lisbon, escaped from a storm, in the Mediterranean, and was in want of repairs and supplies, so that it can scarcely be contended that the British Admiral's demand, addressed to a neutral, was founded on the received maxims of maritime warfare. If it was not, this treatment of the Portuguese Sovereign was an undue exercise of ascendancy; no article in the Treaty withholding from Prince Rupert the courtesies of hospitality. It ought further to be recollected that, in consequence of the absence of all restrictions

relating to articles, contraband of war, British subjects had continued to supply the enemies of Portugal with arms, during the whole time the Treaty of 1642 was in force.

Cromwell's Treaty with Portugal was signed at Westminster, on the 10th July, 1654. Article 1, after reestablishing the former relations of Friendship and Commerce, and agreeing that neither party shall enter into a separate War, or Treaty, enacts "that no rebels, nor fugitives, shall be received, or sheltered, in the ports of each other;" 2nd, confirms the same, in more specific terms; 3rd, declares "that British subjects shall, in all public sales and contracts, be treated like natives, notwithstanding any previous judicial determinations and privileges to the contrary; 4th, that British traders shall not be subjected to onerous charges for custom-house guards; 5th, that in case the property of Portuguese, or others, indebted to British subjects, should be seized by the Inquisition, any other court, or magistrate, such debt shall be paid therefrom within six months; 6th, that British sailors and officers shall not sue for wages, within the dominions of Portugal, on pretext of adhering to the Catholic religion; nor enter the service of the King of Portugal; 7th, that British Consuls shall be appointed by the Protector, and not impeded in the exercise of their functions on the score of their religion; and also that, in order to judge all causes which may have reference to the subjects of the said Republic, a Judge Conservator shall be appointed, from whose award there shall be no appeal, except to the High Court of Justiciary, where the matter shall be decided

within four months; 8th, prevents the administration of the property of deceased British subjects from falling into the hands of the local courts; 9th stipulates that British vessels and property shall not be embargoed for the public service; 10th that British subjects shall be allowed to export from Portugal all kinds of merchandize, even arms, and the same also from Great Britain, to the Castilian dominions; and also to import into those of Portugal, arms, wheat, fish and all kinds of merchandize, without exception, and there sell the same, wholesale and retail, unobstructed by any public functionary, tribunal, or otherwise; 11th, that British subjects shall freely navigate their vessels and trade from Portugal to Brazil and any other Conquests thereof, in the East Indies, Africa, &c. and therefrom back again to Portugal, with all kinds of merchandize; except fish, wine, oil and Brazil wood; 12th, secures to British subjects all rights and exemptions, granted to the Dutch in 1641; 13th declares that no British subject shall be arrested unless on a criminal charge and taken in the act, without a written order from the Judge Conservator; that their persons, abodes, account books and property shall enjoy perfect immunity; that no special protection, granted to Portuguese subjects, or others, shall prevent those of Great Britain from suing for debts due to them, even although the debtor should be a receiver of the revenue, or privileged by title; 14th, that they shall not be troubled on account of their religion, or for having English Bibles, or other books in their possession, and have a burial-ground, &c.; 15th, that, in case of a rupture, public notice and two years shall

be given by both parties, for the removal of property, &c.; 16th, that if either party should contravene, the present act shall nevertheless remain in full force, the infractor only giving satisfaction; 17th, that should disputes arise between the inspectors respecting the fish, or other provisions, imported, the same shall be settled by arbitrators, not Portuguese, chosen by the government and the British Consul; 18th, that vessels of war, as far as six, shall respectively be admitted into the ports of each; 19th, that neither shall allow the ships, or property of the other, captured by enemies, or rebels, to be taken to their ports for sale; it being further agreed that the same shall be restored; 20th, that British subjects shall pay no other than the usual anchorage and tonnage duties, and if therein any bad custom should have been introduced, it shall be abandoned; 21st, that British subjects shall be exempt from the payment of all dues to St. George's Chapel, bearing arms, &c.; 22nd, that they shall have their own dwellings, warehouses, &c., and allowed to carry arms, in defence of themselves and property; 23rd, that the property of either party, found on board an enemy's vessel, shall be respected; 24th, that all just debts due by the King of Portugal to British subjects shall be paid in two years; that all writings and acknowledgments in which British subjects are concerned, relating to vessels previously loaded by the King of Portugal, or his subjects, bound to Brazil, or Angola, and captured by Prince Rupert, or his brother Maurice, shall be cancelled; 25th, that British property detained shall be restored; finally, 27th and 28th relate to the strict observance thereof, &c.

By a secret article, it was further concluded that British subjects, within the Portuguese dominions, on their merchandize, favourably valued in the Custom-house tariffs, shall pay no more duties than 23 per cent; and if it should be intended to raise the said tariffs, because the true value of the merchandize had advanced, that it should be done by the advice of two British merchants; but that if the said merchandize should fall, that the valuations shall in like manner be lowered; and should disputes arise, that the same shall be settled by arbitrators, appointed by the British Consul and the Custom-house; finally, that Portuguese subjects, in the dominions of the Republic, shall pay the same imposts and duties, as established in May, 1654, &c.

Having stated the circumstances under which this Treaty was concluded by Cromwell, in July, 1654, the preceding enumeration of the principal stipulations will suffice to convey a tolerably good idea of the nature of that reciprocity on which it was founded. The king of Portugal was thereby induced to acknowledge the authority of an usurper, besides subjecting himself and country to a variety of other humiliations. He consented that we should have a peculiar legislation for ourselves within his dominions, in many respects, contrary to the laws of the land, as well as the religious prejudices of his own people; and allowed the importation of various articles, to the detriment of his own domestic manufactures. We thus also became carriers of Portuguese trade to Brazil and other settlements in Africa and the East Indies, and even obtained a participation in the coasting trade.

It would be difficult to repel the various arguments adduced by numerous Portuguese writers, to shew that this Treaty destroyed their cultivation of wheat, as well as their fisheries; a charge very generally raised and, I am sorry to be obliged to add, now eagerly repeated. In the time of Emanuel, the population of Portugal was estimated at four millions, and it is equally well known that, during the reign of some of his predecessors, sufficient wheat was grown for home consumption and some exported. We have it on record that, in May, 1325, an English vessel was sent to Portugal to take in a cargo of corn and other provisions, destined for Aquitaine, and so deep was the interest which our Edward II. took in the success of this enterprize, that he wrote to King Alonzo IV. and his mother, soliciting their special protection for the owner.* In a word, the preferences assigned to us in this Treaty are incalculable, and evidently obtained by sacrifices much greater than were ever before demanded by one nation from another.

The Cromwell Treaty has nevertheless served as a basis for all those subsequently concluded. In 1662, a marriage contract was entered into for the espousals of Charles II. with the Infanta Catherine,

* Rymer's *Fædera*, Vol. iv. p. 146. King Deniz died on the 30th December, 1324. So famed was he for his attention to agriculture that he acquired the name of *Lavrador* (*Farmer*)

— Now brave Deniz reigns, whose noble fire
 Bespoke the genuine lineage of his sire.
 Now heavenly peace wide wav'd her olive bough,
 Each vale display'd the labours of the plough
 And smiled with joy.

Lusiad. Book iii.

sister of John IV., stipulating that all previous Treaties between the two countries should be confirmed and ratified ; that Portugal should give, as a dowry, the city and castle of Tangiers with all the dependencies thereof ; two millions of cruzados ; the island and port of Bombay ; and further allow free commerce to Goa, Cochin-China and Diu, &c. In a secret article it was further agreed, that the King of Great Britain should “ defend and protect all the conquests, or colonies, belonging to the Crown of Portugal, against all its enemies, as well future, as present.”

In the annals of our Portuguese connection, the year 1703 is memorable for two transactions. The first was a defensive Treaty, concluded during the reign of Queen Anne, on behalf of Great Britain and the States General with Portugal, which, after confirming all compacts previously made between them, stipulates that, in case the Kings of Spain, or France, should intend, or actually wage, war against Portugal, or any part of her dominions beyond seas, the other contracting parties shall interfere and prevent the same ; that if their good offices should be of no avail, they shall then declare and carry on war against the aggressors, for this purpose providing an adequate force, &c. ; and finally, that no peace, or truce, should be concluded without the consent of all, &c.

This Convention was signed on the 16th May, 1703, and followed by a new Commercial arrangement, known by the name of the Methuen Treaty, concluded on the 27th December in the same year, of which the following is a copy.

“ Article 1. His Sacred Royal Majesty of Portugal promises, both in his own name and that of his successors, to admit, for ever hereafter, into Portugal, the woollen cloths and the rest of the woollen manufactures of the British, as was accustomed till they were prohibited by the laws; nevertheless, upon this condition; that is to say,

“ Article 2. That Her Sacred Royal Majesty of Great Britain shall, in her own name and that of her successors, be obliged for ever hereafter to admit the Wines of the growth of Portugal into Britain; so that at no time, whether there shall be peace or war between the Kingdoms of Britain and France, any thing more shall be demanded for these wines by the name of custom, or duty, or by any other title whatsoever, directly or indirectly, whether they shall be imported into Great Britain in pipes, or hogsheads, or other casks, than what shall be demanded for the like quantity or measure of French wine, deducting or abating one third part of the custom, or duty. But if at any time this deduction, or abatement of customs, which is to be made as aforesaid, shall in any manner be attempted and prejudiced, it shall be just and lawful for His Sacred Royal Majesty of Portugal again to prohibit the woollen cloths and the rest of the British woollen manufactures.”

This Treaty, as regards Portugal, was carried into effect by means of a royal edict, dated April 26, 1704, in these words; “ I have thought proper to raise the prohibition which has hitherto been in force against the use of the cloths of England, and it is my wish that all my subjects may be enabled to make use of them, as well as of any other woollen

manufactures, accustomed to come from the said Kingdom, in like manner and as freely as they did and could use them, previous to the aforesaid mandate prohibiting the same, which I hereby hold as derogated." Peter II. thus not only allowed the admission of British Woollens, but also recommended their use to his subjects.

At what precise period the prohibition of British Woollens above alluded to took place, I have not learnt; but it is more than presumable, that it was intended as a protection to domestic manufactures. At all events, the readmission was a matter of great importance, as it will be in my power to shew, when I come to discuss the nature and magnitude of our commerce with Portugal, as settled on the last basis. Adam Smith, speaking upon the subject, considers this Treaty as disadvantageous to Great Britain and favourable to Portugal, on account of the preference given to her wines; but, besides the facilities afforded to us of becoming the exclusive carriers, he overlooks the disproportion of our manufactures taken back in return. The time however to discuss this topic, will be when I come to consider the modifications which our Treaties have since undergone; but, in the mean while, it may not be improper to remark that Mr. King, the Editor of the *British Merchant*, dedicating his work, at the time much esteemed, to Sir Paul Methuen, son of the negotiator of the Treaty, says that, by it, "we gain a greater balance from Portugal than any other country; besides having increased our exports thither from about £300,000 to near £1,500,000 yearly." In times of war, neutral vessels had brought us red

wines from France and Spain, the consumption of which it was besides in those days considered inexpedient to encourage without some return.

Our commerce with Portugal thrived so well that, towards the year 1745, 6 or 700 British vessels arrived at Lisbon, annually, and we besides carried the principal part of the trade of that port to the Mediterranean. The largest proportion of the supplies of flour was also received from the British American Colonies, of cod-fish from Newfoundland, and of provisions from Ireland. The competitors in the trade were nevertheless numerous and successful. Russia supplied flax, hemp, leather, sail-cloth, unwrought iron, timber, coarse linens, pitch, tar, &c.; Hamburg, German linens; Holland, woollen cloths, camlets, linens, spices, naval stores, round cheeses, arms, &c.; France, fine woollens, crapes, wrought silks, fine linens and articles of dress, &c.; all which countries received in return a considerable balance in money.

The earliest records I have been able to trace respecting our imports from and exports to Portugal, correspond to the commencement of the reign of George III. of which subjoined is the reported official value for the undernamed years.

	England.	Scotland.
1761—Imports (Portugal)£	299,088	— 8,446
„ „ (Madeira)	3,380	— „
„ —Exports (Portugal)	1,291,560	— 3,138
„ „ (Madeira)	31,605	— 256
1762—Imports (Portugal)	359,127	— 6,274
„ „ (Madeira)	3,729	— „
„ —Exports (Portugal)	908,729	— 165

	England.	Scotland.
1762—Exports (Madeira)	£ 43,232	— 216
1763—Imports (Portugal)	304,056	— 11,081
„ „ (Madeira)	1,119	— „
„ Exports (Portugal)	727,623	— 11,706
„ „ (Madeira)	37,278	— 239
1764—Imports (Portugal)	312,974	— 11,700
„ „ (Madeira)	5,792	— „
„ Exports (Portugal)	1,244,198	— 1,169
„ „ (Madeira)	40,152	— 400
1765—Imports (Portugal)	354,307	— 13,996
„ „ (Madeira)	3,974	— 78
„ Exports (Portugal)	679,037	— 3,110
„ „ (Madeira)	40,797	— 320
1766—Imports (Portugal)	347,800	— 14,179
„ „ (Madeira)	6,988	— 33
„ Exports (Portugal)	667,104	— 695
„ „ (Madeira)	36,260	— 1,863

In estimating the importance of our commerce with Portugal, it must however be taken into consideration that, at the above period, our exports were only, in a few instances, greater to other countries. Searching for our largest customers, I find that in 1761, we exported from England to the East Indies, £1,161,670; to Germany, £1,544,016; to Holland, £1,784,442; and to Spain, £1,048,222. It must also be borne in mind that the reported official value of exported articles is always considerably underrated.

In 1765, complaints were made of the declining state of our trade in Portugal, which, as far as I am able to judge, chiefly arose from competition. Our Woollens had been particularly affected by French

and Dutch importations, the former of whom also rivalled us in hats, silks, &c. The trade from Newfoundland had declined from 80,000 to 30,000 quintals of codfish, and the Continental States interfered with our supplies of flour. Butter and cheese were also sent more freely from Holland, and Dutch, Swedish and Danish shipping obtained readier freights. Our sales of vessels were also diminished, and our traders seem to have laboured under aggravated disappointments, which they felt inclined to attribute to a want of more decided favour and protection on the part of the Portuguese government; at the same time that the subjects of the latter were constantly inveighing against the preferences shewn to privileged foreigners.

These complaints were reiterated, in 1767, when the establishment of the Oporto Wine Company, as well as of the privileged Associations for carrying on trade to Maranham and Pernambuco, became topics of invective. Without stopping to inquire into any further causes, it is evident that our Portugal trade was liable to incidental fluctuations, which no foresight on our part could control, as long as the Portuguese ports were equally open to other nations. It was nevertheless valuable, and as a further elucidation, I subjoin an abstract of general trade, corresponding to the year 1767, exclusive of that to Faro and Ireland, as well as of the bullion and diamonds received in return.

ABSTRACT OF GENERAL TRADE.

Wine of Oporto, 22,000 pipes,	£220,000	Woollen, linen and other manufactures	
— Lisbon, 7,000	63,000	from Britain, rice from America, cam-	
— Madeira and the other Islands		lets from Ireland carried to Lisbon	£450,000
12,000	240,000	Fish from Newfoundland	42,000
Oranges and lemons, 50,000 chests ..	75,000	Butter and beef from Ireland	40,000
Salt, 40,000 moys	24,000	Staves from America and coals, &c. ..	8,000
Oil, Morocco leather, cocoa, Brazil		Woollens, linens, &c. carried to Oporto	120,000
wood, drugs, &c. say	8,000	Ditto to Martinho	25,000
Balance in favour of Great Britain....	105,000	Fish from Newfoundland to Vienna ..	6,000
		Manufactures and Provisions to Ma-	
		deira and the other Islands	44,000
	£735,000		£735,000

In 1773, our trade with Portugal was at its lowest ebb, as will be collected from the following statement of imports and exports :

	England.	Scotland.
1773—Imports (Portugal)	£349,214	— 12,817
„ „ (Madeira)	2,499	—
„ Exports (Portugal)	522,379	— 404
„ „ (Madeira)	13,118	— 201
1774—Imports (Portugal)	373,247	— 20,506
„ „ (Madeira)	3,124	— 36
„ Exports (Portugal)	558,158	— 791
„ „ (Madeira)	25,495	— 6

In 1775, our exports from England to Portugal increased to £632,989, whilst, in 1776, they declined to £530,784, and in 1778 to £430,936. In 1779, our exports rose to £647,813, and in 1780 again fell to £459,673. In 1782, they amounted to £687,324, and in 1784 to £491,800. In 1785, our exports rose to £795,225. and in 1787 declined to £576,834, in which year our imports from Portugal alone were £572,095. In 1789, our imports were £654,665. and exports £698,724. ; in 1790, imports £704,885. and exports £635,214. ; in 1791, imports £814,351. and exports £617,501. ; in 1792, imports £911,200. and exports £700,867. ; in 1793, imports £441,325. and exports £546,709. ; in 1794, imports £665,106. and exports £551,324. ; in 1795, imports £790,047. and exports £550,750. ; in 1796, imports £614,450. and exports £645,325. ; in 1797, imports £454,797. and exports £595,082. ; in 1798, imports £645,665. and exports £742,234. ; in 1799, imports £910,831. and exports £1,065,666.

Finally, the trade of Portugal with Ireland, from

March, 1781, to March, 1782, was, as follows; cork, drugs, dyes, almonds, figs, raisins, liquorice, oranges and lemons, oil, pot-ashes, salt, raw silk, thrown ditto, undyed, brandy, vinegar, wine and small articles £99,557.

For the same period, the imports from Ireland were, beef, butter, candles, cheese, fish, tanned hides, linens, pork and small articles £146,368.

In 1809, the official value of our exports to and imports from Portugal, stood thus :

	England.		Scotland.		Total.
Exports	£1,008,036	—	£ 3,857	—	£1,011,893
Imports	£ 862,343	—	£54,504	—	£ 916,847
Balance					£95,046

In the same year to and from Madeira,

	England.		Scotland.		Total.
Exports	£187,092	—	£38	—	£187,130
Imports	£ 10,410	—	„	—	£ 10,410
Balance					£176,720

In the same year, 247 British and 70 foreign vessels entered the ports of England from Portugal, Madeira and Azores.

In 1785, the quantity of gold and silver imported from Portugal, was £1,102,700, whereas in 1795, it was only £186,300.

In 1803, there entered inwards into the several ports of Great Britain from Portugal and Madeira, 456 vessels, four-fifths of which were British, containing 68,444 tons and navigated by 3610 seamen.

The preceding picture will convey a tolerably correct idea of the trade carried on between this country and Portugal, up to the close of the last century, under a competition that stands almost unexampled. In order, however, to judge of its importance to us, as a manufacturing nation, it is necessary to examine the principal articles of which our exports have uniformly been composed. It is very generally acknowledged that the value of wool, as a raw material, is quadrupled by the labour bestowed upon it, before it is befitted for the use of man, and this, it must be recollected, constitutes our chief shipment to Portugal. In 1772, the official value of our Woollens, cleared for that country, amounted to £500,298.; in 1773, to £408,270.; in 1774, to £428,811.; in 1775, to £448,078., and in 1776, to £350,104. This requital for productive labour, is therefore among the most material of our considerations.

Till the Independence of the United States, we had also the opportunity of supplying Portugal with a large proportion of the flour consumed there; it being estimated that her own growth, for many years past, is not equal to more than half of her wants. Her markets have in like manner been stocked with codfish from our Colonies, and the following statement of the quantities exported from Newfoundland, in the three years ending June 5th, 1801, is highly illustrative.

	Dry Quintals.		Wet Barrels.
1798 ———	353,363	———	6026
1799 ———	313,756	———	3548
1800 ———	481,524	———	96

The greater part of this fish was sent direct to Portugal, Spain and other Catholic countries, contiguous to the Mediterranean.

The quantities imported into Portugal at the same period were,

1796 —	181,087	quintals
1797 —	129,402	„
1798 —	256,079	„
1799 —	267,867	„
1800 —	259,363	„

In contemplating the nature of our Treaties with Portugal ; the circumstances under which the principal one was concluded, as well as the privileges and exemptions derived from them, it would be impossible to suppose that such a commercial intercourse, as that carried on by British subjects, could fail to be offensive to the native merchants. From our connection and the competition of British capital and industry, they date the ruin of their own mercantile navy and the destruction of their manufactures. They unceasingly reproach us for the absence of fair reciprocity and the undue manner in which our political and naval ascendancy has constantly been exerted, in order to enforce interpretations of clauses, in a manner never contemplated ; or, at variance with the economical administration of the realm. On these topics, the best modern writers have eagerly indulged, and I have often felt indignant at the invectives which have fallen under my own eye.

It would be impossible for me to enter further into the subject of these complaints than I am now doing by a fair review of the whole series of our Treaties.

Portugal, situated as she is, evidently requires the protection of a powerful ally, notwithstanding the former motives of her fears and jealousies are now greatly diminished ; and if that ally is Great Britain, in the exercise of her delicate charge, it is fervently to be hoped that, in return, she will never ask more than impartial justice demands, or policy on the other side can readily grant. All nations, whether large, or small, are naturally independent of each other, and to all are the acknowledged principles of international law equally applicable. Self preservation is the chief object of social communities, and the ends by which it is attainable can never be promoted, unless each is entirely free from internal restraints.

Among the means, best calculated to secure harmony and good will among nations, the relations of commerce are perhaps the most important.. They are in fact stronger and more lasting than the ties of kindred dynasties ; but, Commercial Treaties, in order to be solid and mutually satisfactory, must be founded on a well understood reciprocity, as those compacts which rest only on the interest, or convenience of one contracting party, can never be maintained without a recurrence to measures of violence.

A nation ought, therefore, to calculate, with the utmost caution and foresight, any preferences, or exclusive favours, intended to be granted to another, as they are liable to be converted into a monopoly and thereby give encouragement to interlopers ; at the same time that they excite jealousies among parties, less favoured. Our commercial intercourse

with Portugal bears me out in this assertion. The interpretation of our Treaties has given rise to endless remonstrances, into the merits of which it is foreign to my present purpose to enter, although it may not be improper to state a few of the leading topics.

A degree of uncertainty still prevails among nations, even in the enlightened age in which we live, respecting the principles most conducive to the extension of foreign commerce. Some statesmen repose their plans on prohibitive measures; others on absolute freedom, whereas many prefer a mitigated system. This contrariety of opinions also extends to navigation, and is perhaps stronger in those countries which have experienced sudden and important transitions.

Portugal has always considered that the possession of a large circulating medium, afforded to her by a connection with rich Colonies, was essential to her welfare, and, on that account, prohibited the extraction of gold and silver, which, notwithstanding heavy penalties, led to an extensive practice of smuggling, in which our countrymen were constantly implicated. It is not for me to inquire into the policy or impolicy of this measure. The restrictions existed, as imposed by an independent government, and consequently the infractors were liable to the avowed consequences. Our merchants complained of this privation, not only as being a hardship; but also a grievance. The Portuguese government was deaf to their remonstrances. They then endeavoured to convince the authorities of their error, arguing that, as the precious metals were no other than a

merchantable commodity, it would be better to allow their exportation, under a corresponding duty. The government was inexorable; the laws and prejudices of the country being opposed to any such concession, as seen by a reference to the proceedings of the Cortes of 1482, page 22. On this subject, I could also refer to many other public demonstrations of a modern date.

From what has already been stated, it will easily be collected that Portugal annually pays a large balance of bullion to every nation trading to her ports, and of the corresponding sums British vessels, in the course of time, had become the principal carriers. The exchange business by this means was chiefly concentrated in the hands of our merchants, and, in defiance of the laws, the smuggling continued, even at noon-day, particularly on board of vessels of war. The forbearance of the local authorities is yet proverbial among our old residents, which often led to gross abuses, sometimes followed by denunciations.

Peter II. died in 1706, and was succeeded by his son John V., at the time only 17 years old. His father had infused an unusual degree of vigour into all branches of the administration. In that of justice, he had shewn himself inflexible, without descending to cruelty. He curtailed the power of the *grandees* and punished the insolence of the people. His revenue was well administered and, in his transactions with foreign courts, he promoted the commercial interests of his subjects. With him it was a maxim "that a Prince may be faithful to his Allies, with-

out preferring their interests to those of his own subjects."

John V. inherited these principles and particularly distinguished himself as the patron of commerce. Some very glaring cases of smuggling occurred towards the commencement of his reign, in which our people were again implicated, and a public clamour raised in consequence of the lenity evinced on the occasion. A project seems also to have been formed with a view to render the existing restrictions more peremptory, which created fresh alarm among our traders. Lord Galloway, commander of the British forces, at that time in Portugal, and Queen Anne's ambassador, interfered and, as recorded by ourselves, in 1709, addressed the following speech to the King, in the presence of his court.

"Your Majesty cannot be sufficiently commended for the steady attention you have always shewn to the affairs of your government; and the pains you have lately bestowed on examining into the balance of trade, is a new proof of that merit which would entitle you to the Crown, had it not descended to you from a long and glorious line of Royal Ancestors—but permit me, Sire, to observe, that there is a greater King, one by whom all Kings reign, and whose Providence is over all his works. According to his distribution of things, riches belong to some nations and industry to others; and by these means the liberality of Heaven is made equal to all. Vain, Sire, are all human councils, when opposed to his wisdom, and feeble the efforts, even of Royal Powers, when directed to cross his will. You have forbid gold to be exported out of your dominions,

and you would willingly enforce the prohibition ; but the thing is impracticable. You may restrain your subjects ; but you cannot set bounds to their necessities. But, say this was possible : suppose you could defeat the industry of the Northern nations—what would be the consequence ? Their husbandmen, graziers, weavers, and all that infinite train of manufacturers that now labour quietly at home to clothe and feed your subjects, would then turn soldiers ; and, instead of seeing their merchantmen in the river of Lisbon, you would hear of their fleets conveying them to Brazil, to fetch much more of that gold than you now fetch for them. Besides, Sire, if they are gainers by the trade, they thereby become the natural guarantees of your dominions. It is not only their Treaty, but interests that bind them to your services. You have potent enemies, and you require powerful friends. The ambition of France knows no bounds ; and the pride of Spain will teach her to keep up a perpetual claim to your territories and Crown. You have no recourse, to frustrate the views and defeat the endeavours of those Potentates, but to the Maritime Powers ; and, therefore, let me beseech your Majesty to consider that every project to distress them is, in effect, a scheme to destroy yourself."

Such a lesson on political economy was never perhaps before, or since, addressed to an independent monarch by the representative of any nation, and it would be needless for me to add that it gave offence, notwithstanding the peculiarly privileged position in which the orator at the moment stood. In consequence of the various stages through which this

rankling dispute passed, the question at length ceased to be one of expediency, and, coupled with a variety of other conflicting circumstances, in the minds of the Portuguese, resolved itself into a doubt whether, or not, we thought them entitled to the rights of legislating for themselves.

The practice of smuggling away bullion still continued, and for this offence, in 1722, Messrs. Wingfield and Roberts, two British traders, were seized, tried and condemned to be hanged. Through the influence of our resident minister and the dread of a rupture, an order having been issued for the equipment of a fleet, the lives of the parties were nevertheless saved and their property restored to them.

The ill will produced by these altercations, was repeatedly manifested to us, during the Pombal administration. This distinguished man has usually been represented as a decided enemy of Great Britain, and it is often alledged that this enmity was partly occasioned by the rude conduct of some of our custom-house officers, when on a visit to this country. The charge must however appear frivolous to those who scrutinize his leading principles of action. His great wish evidently was, to preserve a situation of independence to his country. He steadily adhered to the alliance with England and resisted the solicitations and threats of France, notwithstanding he complained of our "insolent prosperity" without disguising his sentiments. He at the time felt and thought with the great body of his countrymen, and did not hesitate to write the following letter to Lord Chatham.

"I know that your cabinet has assumed a do-

minion over ours ; but, I also know that it is time to put an end to it. If my predecessors had the weakness to grant to you all that you required, I never will grant to you beyond what I ought. This is my last resolution ; regulate yourselves according to it."

In 1759, Admiral Boscowen, it will be remembered, pursued and destroyed several French ships on the coast of Lagos, during the neutrality of the Portuguese, which gave rise to the preceding remonstrance. A correspondence with the British minister ensued, and in reply the subjoined was returned by the Marquess de Pombal.

" I beg of your Lordship not to remind me of the condescensions which the Portuguese Government has had towards the British Government ; they are such that I do not know that any power ever evinced similar ones to another. It is but just that this dominion should have an end, some time or other, and that we should shew to the whole of Europe that we have shaken off a foreign yoke. This we cannot prove better than by demanding of your Government a satisfaction which, by no right can you refuse to us. France would consider us in a state of the greatest weakness, if we did not give her some atonement for the destruction which her squadron has experienced upon our maritime coasts, where, according to every possible principle, it ought to have been considered in safety."

In a third letter the Portuguese minister, after alluding to our commercial abuses ; the immense sums of gold which we had drawn from Portugal and his intention to enforce the provisions of the pro-

hibitive laws, with the utmost rigour, concludes thus :

“ True, it is, that to this you may answer me that, notwithstanding all our prohibitions, gold will go out, as it always has done, because your ships of war have the privilege of not being searched at their departure ; but, on this subject don’t deceive yourselves. If I undertook to have a Duke d’Aveiro beheaded, because he made an attempt on the King’s life, more easily will I have one of your captains hung for carrying away his effigy, contrary to the enactments of a law. There is a time in monarchies, when a single man can do much. You well know that Cromwell, in the character of Protector of the English Republic, had the brother of an Ambassador of His Most Faithful Majesty put to death ; without being a Cromwell, I also feel myself empowered to follow his example, in the character of minister-protector of Portugal. Do you do what you ought, and I shall not do all that I am able.”

On the close of these expostulations, Lord Kinnoul repaired to the Court of Lisbon, and at a public audience offered the best excuses he could for the conduct of the British admiral, managing, as well as he was able, the other topics of complaint.

Whether, or not, the Marquess de Pombal conceived that the political knowledge which he had acquired in England, and the range of ideas into which his travels led him, particularly qualified him to raise the Kingdom of Portugal from the fallen condition in which he found it, on his accession to power, would now be a topic of fruitless inquiry. He eventually became the leading political character

in his native land, and, by the dispassionate inquirer, it must be allowed that he was actuated by an earnest desire to promote its improvement, coupled with a right conception of the means by which this was to be accomplished.

To judge this man and consequently his measures, we must look at the situation of the kingdom, at the time he entered into office.

Portugal, of all countries, is the one that has experienced most advantages from the benign influence of commerce, and afterwards felt the keenest ravages through its decline. Their geographical position seems to have taught the Portuguese that the ocean was their congenial element. Their first attention was directed to fisheries, and in October, 1355, a Company of Oporto and Lisbon Merchants were allowed to trade to our ports and fish upon our coasts, by virtue of a special grant,* made to them for fifty years, seemingly without any intervention on the part of their government. They were next distinguished for their establishments in Barbary and on the Western shores of Africa. Their efforts subsequently opened to them a brilliant period of power and commerce in the East, which they held almost exclusively for a whole century. At one time they had pushed their fisheries to the banks of Newfoundland.

Long and disastrous wars with the Dutch; intes-

* Rymer's Fædera, Vol. v. p. 763. The maritime funds, called *Bolças*, *bourses*, or pockets, established by the Lisbon and Oporto Merchants, for the purpose of repaying the losses of fishing vessels, are the first indications extant of marine insurances.

tine troubles at home, and other national misfortunes led to the ruin of their agriculture and gradually stripped them of a large portion of their foreign commerce. The competition of other nations in Colonial produce increased the dilemma, which the Count d'Ericeira sought to repair by the establishment of domestic manufactures, at a moment when those of several of the Northern nations were rivaling each other in general supplies. Their country was consequently in a most deplorable condition when the Portuguese Colbert took the helm of State, and the earthquake of 1755 served to aggravate the public calamities. He nevertheless persevered, and, by the energy of his measures, restored the national credit; opened new sources of commerce; reorganized the army and shewed himself the steady patron of the arts and sciences.

Among the memorable acts by which his administration was distinguished, the establishment of the Oporto Wine Company is the one that presses more particularly upon my attention. As before stated, it became necessary to do something to relieve the public wants; the clamours of the people being loud and violent. The Northern provinces, it is well known, are the most populous, and this doubtless became an important consideration in the eyes of a Statesman, devising plans for the extension of agriculture and foreign commerce. The banks of the Douro had long been famous for the vintage of red wines; but the export trade of the article was liable to abuses and its growth susceptible of increase.

These two objects the Marquess de Pombal clearly had in view at the time he determined upon the

establishment of this Company, and the reigning sovereign became the first subscriber for Shares. In their operation, the regulations enacted may have proved detrimental to the interests of British subjects—their complaints indeed shew this to have been the case; nevertheless, the projector was not only warranted by circumstances, but also right in his judgment, as will be seen by reference to the earliest results. In the twenty years preceding 1756, the one in which the Company was established, the exportation of Port Wine averaged 17,729 pipes per annum, and during the same period next following, 36,329 pipes. The price on the spot also rose from 40,500 to 124,377 reis, and the population of the four districts in which the wine grows, increased in the proportion of one third. The interest received on the shares has usually been from 10 to 12 per cent. and the original capital of 1,800,000 cruzados is now estimated at 14 millions, owing to the property since acquired by the Company.

The establishment nevertheless gave offence to the British Residents and complaints against it were successively forwarded to Lord Chatham, in 1758; to Lord Halifax, in 1764; to Lord Castlereagh, in 1812, and again by memorial to Mr. Canning, in 1824. The proper place to discuss the grounds of these applications, will be when I come to examine our definitive Treaty, made in 1810, as it contains a modification of a most important nature. Suffice it therefore to say, that several efforts were early made to reconcile the commercial differences; General O'Hara, afterwards Lord Tyrawly, being one of the persons sent over to Lisbon on a special mission; but without effect.

In December, 1750, a trading Association was formed for Pernambuco, and new regulations introduced for the corn trade. With a view to render the capital more independent of foreign supplies of wheat, orders were also issued to repair the roads and open fresh communications with the interior.

In 1752, premiums were offered for the plantation of the mulberry-tree, as an encouragement to the cultivation of the silk-worm ; and, in the course of the following year, as a relief to the revenue, the Diamond contract was made a monopoly of the Crown and a law enacted of which the following are the two leading provisions.

“ Art. 2. I also establish as a standing law, that this prohibition and the penalties hereby ordained, be put in force, without any difference, not only against the principal transgressors, such as buyers, sellers, bearers, or remitters ; but also against all, and whatsoever other persons may concur with them in it, whether by land or sea ; either by being brokers, contrivers, or abettors of the persons concerned in such smuggling, or by suffering it to be done in their houses, carriages, shipping, or lading ;

“ Art. 4. With this proviso always that, in all the above-mentioned cases, if the transgressors of the present law be foreigners, the punishment of banishment to my dominions of America, or Africa, shall not take place against them ; but rather, instead of the said penalty, they shall be punished with imprisonment during my pleasure, and with the confiscation of all the effects they shall be found possessed of within my dominions, and to be finally driven out of them, without ever being admitted into them

again. And in case they be not possessed of effects equivalent to the value of what has been smuggled, and of double thereof, as above ordained, then they shall remain in prison till the said pecuniary penalty be effectually discharged, by the full payment of the said forfeitures," &c.

All these measures gave great offence to our merchants, particularly the last, as it tended to restrain the exportation of diamonds. The motives on which they were founded may, I will admit, appear contrary to the received principles of political economists—to us they may wear the garb of anti-commercial restrictions; nay, we may think that they emanated from a narrow-minded policy—they may have proved injurious to persons engaged in foreign trade; but it must nevertheless be admitted that they formed part of a general scheme for public improvement, warranted by the prevailing exigencies and suited to the circumstances of the times. Reforms in the public schools, as well as in the instruction of the lower orders, were equally connected with this plan; and any one who has lately visited Portugal, with an observant eye, will remember that many of her best institutions owe their origin to Pombal. Of his memory his countrymen are, to this day, as proud as of their most distinguished heroes, in former times, and they must be the best judges of his merits. His substantial fame is indeed derived from his measures for the public improvement, and it is a curious fact that those who are most divested of party-prejudices, consider the establishment of the Oporto Wine Company as the masterpiece of that patriotic Statesman. This is the avowed opinion of

many of the most esteemed French travellers. Its administration may have been liable to abuses ; but for these the founder is not blameable. The institution, it may be said, is not suited for the liberal and enlightened age in which we live—this is a province into which I am not called upon to enter.

Our traders on the spot, as well as some of our diplomatists of the day, however considered several of the Marquess de Pombal's schemes as directly—nay, pointedly, levelled against British Commerce. In those days, they gave him no credit for what they called his theoretical and splendid ideas of amelioration. They viewed his plans as so many innovations, and, arguing that

Acta exteriora indicant interiora secreta,

they at once pronounced him the fell and decided enemy of this country.

We cannot, My Lord, forget that, in former times, more particularly, the narrow-spirited jealousy of commerce often passed for patriotism and, on this account, both the government and the public were misled. Our ancestors drank from the perverted fountains of intelligence, even as we ourselves, too oft, are still compelled to do ; but, during the reign of Joseph I. the sincerity of Portugal towards Great Britain, as well as the faith of Treaties, was put to the severest test.

Let us bear in mind that, in 1561, the memorable Treaty was concluded between France and Spain, known by the name of the Family Compact, resting on the principle that the interests of the two Kingdoms should be intimately and inseparably blended.

It would be foreign to my purpose to describe the alarming sensations felt in this country on the news of this transaction; it would be tedious to enumerate the expedients to which we were then driven in order to counteract its effects. Suffice it to say, that one of the first measures, adopted by the Confederates, was, to call upon Portugal to join the Alliance; and, in case of refusal, she was threatened with an attack.

Portugal was, at the moment, in the most deplorable situation. The ruins of the earthquake were still reeking—no shelter provided against the coming storm. Although the threat was uttered against Portugal, it was well known that the blow was levelled immediately against us. And yet what was the alternative which the faithful Joseph and his minister preferred? On this very occasion the Portuguese sovereign declared, “that he would rather endure to see the last tile of his palace fall upon his head, than be wanting to his friendship with Great Britain,”* and instantly ordered every possible preparation to be made for defence. In order to concert general measures more efficiently, an extraordinary minister was forthwith sent to the court of St. James.†

An invasion ensued, and, in 1763, the Peace of Paris restored tranquillity to Europe and secured the integrity of Portugal; but, if the Marquess de Pombal had lived at a later period, when projects of overthrow, or resistance, engrossed the attention of

* *Que antes soffreria ver cahir sobre si a ultima telha do seu Paço, do que afastarse da Amizade da Grão Bretanha.*

† D. Martinho de Mello.

Statesmen ; when power was the only foundation of security—the only prop of national existence ; when fame and renown were alone obtained by wielding the sword of destruction, or trying new experiments, he and his country, unprovided, as they were, must have sunk under the pressure of the storm. The king and his minister unquestionably consulted their real and permanent interests, and considering the position in which we ourselves then stood, we ought to be the foremost to do justice to them for their foresight and devotion.

I now, My Lord, approach that period of our connection with Portugal, which assumes a more than ordinary interest, and I hope that my anxiety to clear up the question on which I am engaged, will be deemed a sufficient apology for the great length to which I have already gone. I took up my pen with feelings of deep and true sincerity, confident that the only mode of overcoming prejudices, is by cool and dispassionate reasoning, supported by facts which rest on unquestionable evidence. In the course of my inquiry, I was compelled to push my researches to a remote period ; but the particulars which I have thus endeavoured to rescue from the stream of time, were essential to a just comprehension of the subject.

We have, I venture to repeat, reached a period of singular aspect—one, fraught with events of fearful omen, and every day's experience tends to convince us that we must be adequately prepared, both at home and abroad. If it is intended to sow the seeds of national improvement, within our own immediate circle, we must in like manner look to our commercial relations. They have always been considered

as the true measure of our prosperity. Commerce, no one knows it better than Your Lordship, is the great sinew of our political existence. It is a mine of gold, yielding the richest treasures, worked by the numerous engines of British industry, and the produce circulated through the mercantile genius of a whole nation. Were it possible to undermine this pillar of the State, or even to impair its energy and extent, then might our enemies fairly boast that they had pared the claws of the British Lion; then, and then only, would modern Carthage really totter, while her cotemporaries, struck with awe and amazement, would survey the gigantic task achieved and the commercial world shake to its very foundation.

The uninterrupted interval of peace between the commencement of the French revolution and Buonaparte's invasion, in 1807, which Portugal was fortunate enough to enjoy, at a time when most of the other Continental nations were engaged in active warfare, materially contributed to change the aspect of the country. The Portuguese then copiously gathered the fruits of Pombal's labours, and I very well remember that reflecting Englishmen, on the spot, beheld with interest and sympathy the development of industry among a people with whom we were so closely connected. During the first seven years of the present century, the port of Lisbon constantly presented a busy scene, and to it we enjoyed the greatest share of unrestrained access. Commerce and agriculture were equally prosperous. The exports to the coast of Africa nearly doubled, in 1801,* and it was the same with those to the Azores

* In 1796, the exports were, 587,000 cruzados; in 97, 607,000;

and Atlantic Islands.* The trade carried on with the ultramarine provinces, including Brazil, was equally active; but the balance generally against Portugal, owing to the magnitude of the imports.†

Previous to the revolution and as already noticed, France carried on a considerable trade with Portugal, which, owing to the events of the war, almost ceased till the year 1801, when the import duties

98, 1,104,000; 99, 1,768,000; 1800, 1,854,000; 1801, 2,635,000, and continued nearly at the same rate till 1808, when they fell to 52,000, and during the eleven succeeding years did not recover beyond 645,000, the returns for 1818.

* In 1796, the exports in cruzados were, 674,000; in 97, 922,000; in 98, 1,919,000; in 99, 2,901,000; in 1800, 1,282,000; in 1801, 736,000; in 1802, 1,036,000; in 1803, 1,298,000; in 1804, 1,689,000; in 1805, 1,045,000; in 1806, 1,230,000; in 1807, 732,000; in 1808, 207,000; in 1809, 763,000; in 1810, 1,003,000; rising progressively till 1819, when they amounted to 1,326,000.

† In 1796, the imports in cruzados, were, 33,534,000 and exports 18,819,000; in 97, imports 13,799,000 and exports 24,129,000; in 98, imports 32,005,000 and exports 31,046,000; in 99, imports 37,923,000 and exports 51,146,000; in 1800, imports 37,127,000 and exports 33,802,000; in 1801, imports 43,819,000 and exports 32,833,000; in 1802, imports 32,416,000 and exports 32,000,000; in 1803, imports 35,483,000 and exports 31,853,000; in 1804, imports 33,945,000 and exports 37,264,000; in 1805, imports 39,608,000 and exports 30,612,000; in 1806, imports 40,269,000 and exports 28,285,000; in 1807, imports 42,422,000 and exports 26,871,000; in 1808, imports 1,537,000 and exports 4,325,000; in 1809, imports 14,641,000 and exports 9,777,000; in 1810, imports 9,873,000 and exports 9,528,000; in 1811, imports 13,260,000 and exports 8,699,000; in 1812, imports 13,068,000 and exports 7,820,000; in 1813, imports 18,198,000 and exports 10,687,000; in 1814, imports 23,798,000 and exports 17,465,000; in 1815, imports 32,549,000 and exports 27,521,000; in 1816, imports 31,594,000 and exports 35,922,000; in 1817, imports 27,874,000 and exports 28,202,000; in 1818, imports 30,036,000 and exports 26,605,000; in 1819, imports 23,532,000 and exports 20,391,000.

being reduced in her favour, it assumed an active appearance, particularly in 1804-6-7 and 8, leaving a balance chiefly on the side of Portugal, and again became suspended through the convulsed state of Europe. The commercial relations of the Low Countries experienced a similar impulse and at precisely the same period. Hamburg had long continued to engross a large portion of the Portuguese trade, her exports, chiefly consisting of Brazilian produce, in 1776, amounting to 15,686,000 cruzados; in 1800, to 14,625,000 and, in 1801, to 20,205,000. This commerce has been uniformly advantageous to Portugal; but, subsequent to the period last mentioned, it declined materially, and from 1808 to 1814, became nearly nominal.

An active traffic is also carried on with Spain, notwithstanding the productions of the two countries are so much alike; but chiefly in a clandestine manner. The intercourse by sea, nevertheless, annually gives employment to about 150 vessels; and formerly a large portion of the wools received in England and Holland from Lisbon, passed from Spanish Estremadura and Castile through the province of Alem-Tejo. Russia furnishes the chief supplies of hemp, flax and tallow, extremely to her own advantage; so much so that, in 1801, her imports into Portugal amounted to 7,034,000 cruzados and her exports only to 134,000. The commerce of Portugal with Sweden has increased since the annexation of Norway, and thence it is that her principal supplies of iron, steel, pitch and tar are obtained. For the very same reason, the commercial intercourse with Denmark has diminished, being now chiefly

confined to a few cargoes of wheat. That with Prussia is also extremely limited. The principal part of the Levant trade is carried on with the ports of Venice, Naples and Leghorn, although the Greeks have been in the habit of supplying occasional cargoes of wheat and olive oil. Some glass-ware, musical instruments, toys and other minor articles are also brought from Trieste. The trade carried on with the United States, particularly in years of scarcity, is of magnitude, and the balance uniformly against Portugal. The supplies of wheat, flour, Indian corn, staves, pitch and tar were very extensive in 1801-10 11-12 and 13, when our armies were in the Peninsula, leaving an immense profit to the importers. A few cargoes of wheat, barley, bees-wax, &c. also continue to come from Morocco ; but this trade has greatly diminished since 1802.

The three following abstracts, constructed from official data obtained in Lisbon and corresponding to the years 1796, 1806 and 1819, exhibit a comparative view in reis, or the national currency, of the commerce of the various foreign nations carried on with Portugal. Great allowances must nevertheless be made for smuggling and under-valuation.

1796.	Imports.	Exports.
Great Britain	4451,737,334	— 4887,076,129
Holland	807,446,109	— 495,378,415
France	245,057,388	— 23,260,800
Hamburg	1634,468,644	— 5474,545,984
Spain	382,168,601	— 633,987,731
Russia	1644,090,744	— 158,966,038
Sweden	673,064,648	— 165,236,358
Denmark	13,053,865	— 143,687,548

1796.	Imports.	Exports.
Italy	1134,532,268	— 2598,271,614
Germany	43,766,392	— 69,504,000
Prussia ..	201,240,986	— 106,437,180
United States	105,928,130	— 440,985,800
Barbary States	814,218,582	— 789,030,379

1806.		
Great Britain	6587,150,292	— 8201,116,996
France	1286,636,057	— 5395,402,285
Holland.....	874,672,543	— 1058,386,020
Hamburg	1241,804,660	— 2608,950,772
Spain.....	1204,506,810	— 1461,863,875
Russia	2385,011,124	— 316,717,510
Sweden	461,462,548	— 126,963,065
Denmark	62,604,092	— 54,000,410
Italy	1254,184,812	— 3386,274,054
Prussia	66,798,848	— 7,336,200
United States	915,999,641	— 458,334,635
Barbary States.....	120,042,354	— 179,959,115

1819.		
Great Britain	7463,156,836	— 4209,087,093
Spain	2121,762,068	— 1945,514,369
France	307,249,522	— 649,586,775
Austria	360,073,727	— 472,593,985
Russia	601,198,306	— 123,392,645
Holland.....	517,451,403	— 594,670,362
Sweden	400,413,439	— 97,958,150
Prussia	482,681,217	— 46,177,220
Denmark	189,230,758	— 55,991,375
Hamburg	708,784,560	— 1286,402,716
Italy	2165,976,459	— 1573,292,195
United States	543,378,820	— 189,791,260
Barbary States.....	19,384,960	— 45,977,380

These tables convey a very clear idea of the proportions of trade enjoyed by the several nations in the habit of frequenting the ports of Portugal, at the head of whom Great Britain is uniformly to be found. They also indicate some remarkable fluctuations, and at the same time point out the commercial relations generally advantageous, or adverse to Portugal, in regard of balances. The produce brought from her Colonies, long fed her export trade, particularly during that brilliant period which preceded the departure of the Royal Family for Brazil, and of that we also had a predominant share. In 1799 and consequently during the war, we imported 209,731 bags of cotton, 96,410 of which came from Lisbon and 4251 from Oporto, all grown in Brazil.

Although, in an earlier part of my labours, I took occasion to notice that I had not been able to consult official returns of our imports and exports to and from Portugal of a more remote date than towards 1760, it must not, on that account, be concluded that this valuable branch of our foreign commerce did not prosper till so late a period. The returns furnished from the Custom House only attained a state of perfection towards the close of the last century; but we have other authentic and curious data respecting the early trade with Portugal, which also prove the opinions of our ancestors respecting its importance.

It will be remembered that, at the close of the war with France which crowned the Duke of Marlborough with laurels, two Treaties were proposed, the one of Peace and the other of Commerce, the latter of which gave rise to a series of discussions

and inquiries, certainly till then unprecedented in British commercial annals. At the time the Treaty of peace was concluded at Utrecht, in 1713, a Commercial one, consisting of 29 Articles, was also adjusted, in the most elaborate manner, and submitted to Parliament for ratification. The country took the alarm and an eminent writer of the day,* speaking on this transaction, remarked that "although Great Britain had so humbled France with the sword, yet France, according to the old maxim, was too hard for her at the pen, and through the unskillfulness of her ministers in trade, brought her to ratify a Treaty of Commerce that must, in a very few years, have proved her utter destruction. But, as good fortune would have it," adds the same writer, "this Treaty could not take effect, unless the Parliament consented to reduce the high duties and take off the prohibitions, so wisely laid on French commodities, which would have destroyed all the best branches of our trade and deprived many hundred thousand manufacturers of their subsistence," &c.

Queen Anne's ministers were however determined to carry their point, and had prepared a large party to support their measure in the House of Commons. Under their auspices, a paper under the title of "Mercator" was published, three times a week, the great object of which was, *to shew that commerce with France would be beneficial to the Kingdom.* The

* Mr. Charles King, Editor of the *British Merchant*, purposely started in 1713, under the highest patronage, for the discussion of this subject, in which some of our most distinguished merchants at the time took part.

Editor was allowed access to the public offices and continued his efforts with great zeal, until he was driven from the arena by the replies under the signature of the "British Merchant," patronized by some of our distinguished noblemen, particularly the Earls of Halifax and Stanhope. Examinations also took place in the House of Commons, and, eventually the ministers, by way of experiment, and, as it was then stated, "knowing that French wine was a relishing liquor to English palates," made a motion to take off the duties upon them, for two months, which, almost at the moment when it was ready to pass, was lost and the subject dropped.

A ministerial victory on this occasion, of course, would have destroyed the Methuen Treaty, which had then only undergone a ten years trial; but as a proof of the interest at the time excited, it is recorded that "many pamphlets were published to open the eyes of our Legislators, and to convince them that the preservation of our looms and the rents of Great Britain, was of greater consequence to the nation, than gratifying our palates with French wines. These papers and the convincing arguments used by some gentlemen examined at the bar of both Houses of Parliament," we are further told, "had the good effect of throwing out the pernicious Bill of Commerce." Sir Thomas Hammer, speaker of the House of Commons, who, at the time when the Court had the greatest influence ever known in Parliament and strenuously espoused the Bill, joined his influence to its opponents, and thus it was rejected by *nine* votes, at a time when it was expected that the question would have been lost, as it was then

contended, "notwithstanding the importance of the vote, which was no less than the trade, safety and power of Great Britain."

At this period, it was, that our early commerce with Portugal underwent a thorough investigation, it having been directly attacked by the advocates of French interests, a very prevailing fashion in those days at court. Notwithstanding the great revolutions commerce has since experienced, and the new channels of vent and supply which the industry of man and political transitions have since opened, there were many maxims of our forefathers upon this subject, derived from experience, which are still entitled to great respect.

In 1662, the total exports of England were £2,022,812, and in 1699, £6,788,166, affording an increase, in this short interval, of £4,765,354. In 1699, the value of our woollens exported alone amounted to £2,932,292, and at that period, the United Provinces afforded us the best general market. In 1678, the French trade, which had greatly interfered with our own manufactures, was proscribed as a *common nuisance*, notwithstanding the opposition of the Court, and to that salutary measure it is allowed that a large share of our progressive prosperity may be attributed. Notwithstanding the impulse thus given to local manufactures and the consumption of home-made articles, our Clothiers suffered materially and frequently implored the assistance of the Legislature "to support their tottering and declining trade."

Under these peculiar circumstances, an application was made by Queen Anne's minister at the

Portuguese court for the admission of our woollen manufactures, which being agreed to upon supposed principles of reciprocity, the Methuen Treaty, as already mentioned, was carried into effect, in 1703.* From the inquiries and discussions which followed in 1713, it very clearly results that at the above period, the Portuguese had woollen manufactures of their own, first established by foreigners,† at Porto Alegre, Cavilham, &c. ; and although it was soon discovered that the staple of their wool was too short for bays, they nevertheless continued to make good cloths. In June, 1684, the importation of all foreign woollens was prohibited, conformably to Count d'Ericeira's project to increase the exports and lessen the consumption of foreign manufactures.‡ According to the highest commercial authority of those days, "the Portuguese went on so successfully and their manufactures of woollen cloths increased to such a degree, that both Portugal and Brazil were wholly supplied from their domestic fabrics, the materials of this manufacture being their own and Spanish wools.§"

* Mr. Methuen, the British negotiator, had been envoy extraordinary at the court of Lisbon, from 1691 to 1697, and returned thither in 1700, with proposals for the treaty.

† Our merchants at the time engaged in the Portuguese trade, declared that an Irishman, of the name of Courteen, a servant in the family of Queen Catherine, an Infanta of Portugal, in 1681, carried thither clothiers and bay-makers, where they set up manufactures.

‡ Our merchants were allowed a year to receive such woollens as had been ordered and were on their way, and obliged to reship whatever arrived after that period.

§ That this disposition to establish manufactures also then prevailed among the enlightened Spaniards, is evident from the Commercial work

Such was the situation of Portugal, according to the shewing of our own merchants, at the time British Woollens were re-admitted to entry, after an exclusion of twenty years, and in defiance of the remonstrances of the native manufacturers, whose establishments were thereby destroyed. The Methuen Treaty was at the time considered as "the foundation of one of our most valuable branches of commerce," and the highest encomiums passed upon its negotiator. Had the French Treaty above alluded to, been carried into effect, besides the great injury which we should have experienced at home, the loss of our commercial footing in Portugal must also have followed, as may be seen from the subjoined letter from an English Merchant, dated Lisbon, Nov. 7, 1713, and produced in evidence.

"I am of opinion you had as good stop your hands, at least send sparingly, till I can give you some more certain news about the Brazil ships, and that you

of D. Geronimo de Uztariz, whose great cure for the maladies of his country was, "Manufactures and a Reform of Duties;" and he successfully contended "that there was no foundation for the notion of those who argue that there is not a sufficient number of inhabitants in Spain to furnish hands for the looms, formerly employed." This work was translated into English by John Kippax, by command of Frederick, Prince of Wales, who dying in the interval of the publication, it was dedicated to his son, afterwards George III. The dedication states that the original was first printed at Madrid, in 1724; afterwards suppressed and only reprinted in 1742. It is the earliest work the Spaniards have produced on internal improvement, and judging from the impulse and protection at present given to every thing in Spain that tends to amelioration, one would be inclined to think that it is now that the author's countrymen have learned to appreciate the value of the maxims, so long ago recommended for adoption by one of their best patriots.

find what will be done in your Parliament in relation to the French trade ; for I dread their taking some resolutions that will prove destructive to this. Thus far you may depend on, that if the Bill in favour of the French Commerce passes, this Court will do their utmost to oppress the English trade ; and it is much to be feared, that the Treaty being broken by us, they will not be content to prohibit Cloths only, but proceed to forbid bays and other goods, which the French are proposing to bring hither, and are representing how much more advantageous to Portugal a trade with France would be than with England, France taking off great quantities of their sugars and tobacco, and England nothing but their gold, except it be some wine and fruit, which does amount but to a small part of the trade. And as I should be sorry you should engage in this trade with any disadvantage, I give it as my opinion, that one cannot act too cautiously in it at present."

This shews the precarious situation in which we stood with regard to our Portugal trade, only a very few years after the Treaty of 1703 was carried into effect. It has before been asserted, on authorities of the day, that our exports to that country more than quadrupled through the operation of the treaty, and it seems equally clear that we then began to receive large supplies of Portuguese bullion. From August 1710 to August 1713, there were coined at the Mint £1,055,528. 17s. chiefly from Portuguese moidores, and in some parts of England no other coin was current.* Our troops acting in Catalonia and other

* A letter, written by a party of merchants in Exeter, on the subject

parts of the Peninsula, Gibraltar and even in the Netherlands, at various times were supplied with monies obtained from our merchants established in Portugal, and it must be further taken into account that a large portion of our bullion shipped to the East Indies was obtained from Lisbon and Cadiz.

During the examinations before Parliament, in 1714, it was affirmed that our exports of woollens to Portugal, previous to the Methuen Treaty, never exceeded £330,000, to which were added £70,000 in other articles, and, since it had been in operation, that the total exports to that country had not been less than £1,300,000.† This treaty was therefore extremely important in its effects, and by no foreign State could greater consideration have been shewn towards us. At the time the negotiation took place,

of the Treaty with Portugal, dated October 31, 1713, after alluding to its publication, concludes thus ; “ for now we plainly see the preserving that trade is preserving our own bread, and that breaking that treaty would be our ruin, for we have hardly any other money current among us but Portugal gold.

† As a proof of the value of the foreign commerce carried on with Portugal, during the commencement of the last century. it may be noticed that, in a return of vessels which arrived at the port of Amsterdam, in the year 1734, the proportion stands thus ; from London 51 ; Petersburg 22 ; Rouen 33 ; Cadiz 53 and Lisbon 32, and in 1741 the number was 80. In the same year, there arrived at Lisbon from Brazil, 15½ millions of cruzados in gold ; 220 arrobas of gold-dust and ingots ; 437 arrobas of bars of gold ; 48 arrobas of wrought gold ; 8871 marks of silver ; 42,803 pieces of eight ; 3 millions 36 octaves and 5 quintals of diamonds ; besides 11,000 rolls of tobacco ; 113,000 hides ; 1000 chests of sugar and other minor articles. In 1736 there arrived at Lisbon from Pernambuco only, 27 vessels, bringing 1,300,000 cruzados for merchants and 200,000 for the King ; 4 octaves of diamonds ; 6294

the wines of Portugal were admitted into England and paid little more than half the duties levied on those of France. This difference however was not established at the request of His Portuguese Majesty; but, because such was the interest of England. The rate of duties had been previously settled by an Act of Parliament and for a long term to come.* The preamble of the treaty sets forth, "that her Sacred Royal Majesty of Great Britain hath signified to His Sacred Royal Majesty of Portugal, that it would be very acceptable to her if the Woollen cloths and the rest of the Woollen manufactures of Britain might be admitted into Portugal, by the prohibitions being taken off," &c.† The proposal was accepted, and the King of Portugal agreed to admit our Woollens into Portugal, *per onne tempus, non aliter quam fieri solebat, antiquam per pragmatikas sanctiones interdi-*

chests of sugar and 700 small ditto; 8600 rolls of tobacco; 34,000 half hides and 13,000 whole ditto; 11,500 weight Brazil wood; and 450 quintals of violetta wood.

* In 1714, the value of a tun of Portugal wine stood thus,

Average prime cost,	£18	0	0
Freight and expences home	6	0	0
Leakage and insurance	3	0	0
Duties	24	1	0

£51 1 0

It was then ascertained that the prime cost of Port Wines for ten years had been 22 milrees and that of Lisbon 38 milrees per pipe. Two pipes make one tun, the average selling price of which in those days was 30*l.* per pipe, or 60*l.* per tun.

† *Pergratum sibi fore, si Lanai Panni cæteraque Britannica Lanificia in Lusitaniam admitterentur, eorum interdictione sublata.*

cerentur. The duties, established previous to the prohibitions, were 23 per cent.; but, as our merchants at the time very candidly confessed, this rate was often reduced to 12, on the real value. On these conditions were our woollens re-admitted into Portugal, to the destruction of her own manufactures, whilst her wines came into our markets with a charge of £24. per tun upon them, more than 100 per cent., after paying us freight; and our merchants moreover boasted that they had thus secured to themselves and descendants a predominating share in the mines of Brazil!

How far the Methuen Treaty, as well as that negotiated in 1810, in their operation, proved to be founded on the principles of just reciprocity, will be a topic of consideration hereafter. In the mean while, I shall merely remark that in 1704 we entered on the enjoyment of a large and profitable trade with Portugal which, under incidental fluctuations, has continued ever since. The most active period was from 1722 to 1738, during which we had an annual balance of a million sterling in our favour, besides freights. It then partially diminished; but again revived in 1756, and so continued till 1765, when we experienced great competition. The amount and fluctuations of this commerce, from the year 1761 to 1799, will be easily understood from the returns of imports and exports already furnished for that period, during which Portugal had often an annual balance in her favour; but this arose from the circumstance of the bullion and diamonds secretly conveyed away not entering into account.

The various statements which precede, will have

rendered it evident that, at the end of the year, Portugal has usually had to pay a considerable sum on the balance of her trade, which has chiefly been done by the bills of our merchants, who thus took upon themselves the shipment of the equivalent given in specie, or diamonds. Hence arose those clandestine exportations of which mention has already been made, in defiance of the penalties awarded by the laws, and so often made the topics of complaint.* What was the precise quantity of precious metals and stones thus brought away it would be impossible to state; but it is well known to all those who have had intercourse with Portugal that parcels of both were embarked in British men of war, when occasion offered, to be sent home on account of merchants, or conveyed elsewhere to supply the wants of our government. Vessels bound to the East Indies, sometimes touched at Lisbon for bullion; and Baretti, writing from that city, in 1760, says that the English packet weekly took away about £50,000.; which is most probably an exaggeration;† but that we have

* Our merchants complained of the extreme severity of the measures, adopted by the Portuguese government, to prevent the exit of the precious metals and diamonds, as noticed page 59, but did not remember that in an *Arret* issued by the King of France, on the 8th of March, 1713, to prevent East India manufactures from being bought, or sold, within his Kingdoms and Colonies, the penalties extended even to the tailors and embroiderers; their journeymen and apprentices, who were not only incapacitated for ever; but had their names registered on tables and hung up in the courts of justice, in order that their infamy might be perpetuated. This was done for the protection of home manufactures! We also have had severe laws to prevent the extraction and melting of gold and silver coin.

† At this present time, the freight charged upon bullion brought from

received from Portugal in bullion and diamonds at the average rate of a million and half sterling per annum, from 1705 to the invasion of the French, is an opinion in which some of our most experienced merchants both here and in Lisbon readily agree.

Early in the present century, our connection with Portugal assumed a more important aspect. Previous to this period, no country ever experienced more disheartening transitions, which were greatly aggravated by the events arising out of the French revolution. Peter II. endeavoured to repair those ravages which the successive wars with Spain had deeply imprinted on his kingdom, and zealously patronized agriculture and industry. His efforts were not however seconded during the long reign of John V. ; but, under Joseph and his minister Pombal, new life and vigour were given to all the important branches. A seven years war, during which Portugal was invaded three times, followed by the emigration of the Royal Family to the New World ; the destruction of her manufactures and the opening of the Brazilian ports to foreign nations, greatly added to her misfortunes.

Through these events, Portugal became a severe sufferer. Trivial, as her national industry generally appeared to foreigners, her merchants nevertheless had been in the habit of shipping to Brazil a variety

Lisbon in the Falmonth packets is a subject of dispute between our government and the shippers, who complain of the high rate required from them, against which they have formally remonstrated. The charge is nevertheless regulated by the Admiralty, and $\frac{1}{4}$ goes to the Admiral ; $\frac{1}{4}$ to the Chest of Greenwich Hospital, and the rest to the Commander of the packet, who has to pay the British Consul's commission.

of articles, of her own growth and manufacture, to which the Portuguese settled abroad gave a decided preference. These articles chiefly consisted of cotton, woollen and silk manufactures from her own looms; gold and silver lace; hats; linens; hardware; velvets, &c. the amount of which, for a given period of years, may be seen from the following returns, reduced into cruzados.

1796— 6,106,500	1808— 568,000
7— 7,160,750	9—1,129,000
8—10,329,000	10—1,079,500
9—14,080,750	11— 974,000
1800— 9,606,250	12— 995,750
1—10,030,750	13—1,388,000
2— 8,676,508	14—1,855,000
3— 6,936,500	15—2,348,500
4— 8,449,250	16—2,895,250
5— 6,311,750	17—2,829,500
6— 4,799,250	18—3,350,250
7— 2,936,500	19—3,106,750

The privation of these supplies, the produce of her own labour, was doubtless felt by Portugal, as well as the absence of the Colonial produce which she had been so long accustomed to receive in return; but it is a curious and important fact that our own direct trade with Portugal and the consumption of British merchandize in her European dominions, was rather benefited than otherwise, by these revolutions, as will appear from the subjoined abstracts.

The following is an official return of the number

of vessels entered inwards and cleared outwards from and to Portugal, during the undermentioned years.

INWARDS.					OUTWARDS.				
	British.		Foreign.		British.		Foreign.		
1800	— 296	—	78	—	217	—	136		
1	— 395	—	113	—	182	—	181		
2	— 373	—	42	—	246	—	107		
3	— 282	—	82	—	220	—	60		
4	— 241	—	131	—	197	—	117		
5	— 274	—	127	—	204	—	103		
6	— 354	—	114	—	210	—	122		
7	— 305	—	85	—	216	—	182		
8	— 165	—	193	—	231	—	159		
9	— 474	—	66	—	444	—	132		
10	— 536	—	91	—	466	—	176		
11	— 385	—	48	—	537	—	114		
14	— 428	—	123	—	296	—	140		
15	— 449	—	140	—	448	—	177		
16	— 313	—	83	—	297	—	97		
17	— 503	—	70	—	383	—	96		
18	— 520	—	94	—	376	—	113		
19	— 588	—	57	—	396	—	87		
20	— 543	—	54	—	359	—	89		
21	— 560	—	44	—	410	—	63		
22	— 625	—	55	—	525	—	85		
23	— 623	—	75	—	474	—	118		
24	— 582	—	84	—	414	—	131		
25	— 742	—	111	—	532	—	131		
26	— 675	—	76	—	531	—	120		
27	— 710	—	64	—	565	—	120		
28	— 676	—	66	—	534	—	94		
29	— 562	—	67	—	500	—	103		

The following is a return of the Woollen goods exported from Great Britain to Portugal, Madeira and Azores, in the years specified.

		<i>l.</i>	<i>s.</i>	<i>d.</i>
1812	—	62,827	0	0
14*	—	95,872	0	0
15	—	727,805	16	1
16	—	568,453	12	4
17	—	572,664	4	6
18	—	381,613	16	10
19	—	412,415	15	0
20	—	426,851	15	6
21	—	386,948	9	7
22	—	342,814	9	6
23	—	485,625	1	6
24	—	475,685	3	0
25	—	360,468	16	0
26	—	349,936	14	0
27	—	263,659	6	0

A Return of the official value of British Imports and Exports from and to Portugal, Madeira and Azores, corresponding to the undernamed years.

	IMPORTS.		EXPORTS.
	Official value.		Official value.
1800	— £918,048	—	1,011,923
5	—		2,027,630
6	—		1,777,549
7	—		1,170,226
8	—		600,137
9	—		1,124,098

* Returns for 1813 cannot be had in consequence of the fire at the Custom House.

IMPORTS.			EXPORTS.		
Official value.			Official value.		
1810	—		2,228,833		
11	—		6,164,858		
17	—	632,482	1,757,984	—	
18	—	776,180	1,370,655	—	
19	—	509,572	1,623,907	—	
20	—	465,273	1,908,879	—	
21	—	480,609	2,795,385	—	
22	—	546,173	2,774,851	—	
23	—	566,353	2,146,473	—	
24	—	450,730	2,670,191	—	
28	—	587,355	2,581,757	—	
29	—	584,818	1,764,032	—	

Importations of Portugal Wines, compared with those of France for the undermentioned years.

		Tuns.	Hhds.
1798	— Portugal,	15,791	2
	— Madeira,	645	3
99	— Portugal,	22,519	3
	— Madeira,	652	2
	— French,	1,662	0
1800	— Portugal,	19,323	2
	— Madeira,	943	0
	— French,	2,078	0
1	— Portugal,	28,671	0
	— Madeira,	106	0
	— French,	3,861	0
2	— Portugal,	22,023	0
	— Madeira,	114	0
	— French,	1,276	0

IRELAND.

Official value of imports and exports from and to Portugal, Azores and Madeira, corresponding to the undermentioned years.

	Imports.		Exports.
1790	— £99,465	—	202,833
2	— 202,298	—	154,159
1800	— 114,836	—	97,251
10	— 214,032	—	202,075
15	— 77,214	—	273,017
16	— 54,494	—	154,937
17	— 45,871	—	138,426
18	— 66,913	—	81,930
19	— 57,988	—	105,138
20	— 70,131	—	94,494
21	— 48,702	—	92,026
22	— 44,370	—	124,651
23	— 56,369	—	80,759
24	— 56,311	—	70,318
25	— 77,361	—	69,977

The Prince Regent, afterwards John VI., on leaving Portugal, arrived first at Bahia, on the 21st of January, 1808, and by a provisional order, dated the 28th of the same month, addressed to Count da Ponte, the governor, directed "that all merchandize, conveyed thither in foreign vessels belonging to powers at peace and in amity with the Portuguese Crown, or to his own subjects, should be admitted into the Custom Houses of Brazil, on the payment of 24 per cent. duties. This was followed by a decree, dated Rio de Janeiro, April 1, in the same year, revoking and annulling all prohibitions and

obstacles to the establishment of manufactures by his own subjects in Brazil; and, by another decree, bearing date of the 11th June, the duties on national merchandize, entering in vessels under the Portuguese flag, were regulated at 16 per cent. By another edict, issued on the 28th January, 1809, it was further ordained that foreign merchandize, shipped from Lisbon and Oporto and having there paid duties, should experience a corresponding alleviation, on arriving in Brazil.

Under these circumstances, it was, that our "Treaty of Commerce and Navigation" was concluded at Rio de Janeiro and signed on the 19th of February, 1810. The preamble recites "that the Contracting Parties, being equally animated with the desire, not only of consolidating and strengthening the Ancient Friendship and Good Understanding which so happily subsist, and have, during so many ages, subsisted, between the two Crowns; but also of improving and extending the beneficial effects thereof to the mutual advantage of their respective subjects, have thought that the most efficacious means for obtaining these objects, would be to adopt a liberal system of commerce, founded on the basis of reciprocity and mutual convenience," &c.

The object of this Commercial Treaty evidently was to establish, in a formal manner, those conditions on which the British were to enter into a participation of the free trade established in Brazilian ports, which naturally followed the change in the seat of the Portuguese government; but another change, equally important, has since occurred, which renders it highly problematical whether the Com-

mercial Treaty of 1810, under the professions avowed, is suited to our present intercourse with Portugal. Article 32 stipulates "that the Treaty shall be unlimited in point of duration; that the obligations and conditions expressed, or implied, in it, shall be perpetual and immutable, and that they shall not be changed, or affected in any manner, in case His Royal Highness, the Prince Regent of Portugal, his Heirs, or Successors, should again establish the seat of the Portuguese Monarchy within the European Dominions of that Crown;" but no provision was made either for the separation of Brazil, or the negotiation of a new Commercial Treaty with that country, in the character of an Independent Empire—a treaty totally different in all its parts, to the one left subsisting with Portugal.

The skill and dexterity with which the Treaty in question was negotiated, stand almost unexampled; but whether the circumstances were propitious for such a negotiation, or whether in its operation the Treaty has proved to be founded on "that perfect reciprocity regarding the duties and imposts to be paid by the respective parties," as laid down in Article 4 and strongly inculcated in several others, is a matter that deserves particular consideration. The Portuguese contend that the Treaty was made at a time when their country was humbled by misfortune, and that of this circumstance Great Britain unduly took advantage. If such were the opinions prevalent among the Portuguese, prior to the declaration of Brazilian Independence, and of this, after the numerous and spirited writings published upon the subject, there can be no doubt, they have been

materially strengthened by the separation of the two countries, owing to the peculiar and relative situation in which they are left. The Treaty might have been well adapted to the new æra in commerce that then beamed upon us; it unquestionably tended to unfold the resources of Brazil; but, it unfortunately happens that what was at the time pre-eminently advantageous to the one, in many respects, could not fail to be ruinous to the other.

Several of the Articles of the Treaty indeed relate exclusively to Brazil, and have since been rendered null and void by a change of circumstances. The general tendency of the arrangements was, to lower the duties on goods imported in British vessels to the same standard of those paid on merchandize shipped under the Portuguese flag. This at the time might suit the incipient state of Brazilian commerce; but not that of Portugal; and it besides indicates a preference unusual among independent nations; a preference of which we ought not to stand in need. Owing to the great competition which the Colonial produce of Brazil has experienced within the present century, particularly cotton, it became difficult to bring it to a general market, unless shipped under very low export duties; but this could be no criterion in the European dominions of Portugal. It might even have been expedient to levy moderate rates on foreign goods brought to Brazil, owing to the great facilities for smuggling along an extended line of secluded coast, where the merchant might be disposed to resort to evasions, in order to bring his commodities to market with any prospect of success-

ful sale; but it does not follow that the same precaution is required in countries differently situated.

It would be impossible to try each Article separately by the test of experience; but there are several which require special notice. Article 4 stipulates that "port charges, tonnage and anchorage dues" shall be perfectly equal to both parties; whereas, in practice, the Portuguese complain that the rates paid by them in our ports, bear no proportion with those required from British vessels in theirs. Article 5 determines which vessels shall be considered national, and, as regards ourselves, all those are deemed British, "built in our dominions and owned, navigated and registered according to the laws of Great Britain," which consequently includes prizes and all other vessels legally nationalized; whereas those only are considered Portuguese vessels "which were built in the dominions of Portugal, taken by her ships of war, or by her subjects having Letters of Marque, and condemned as lawful prizes in her courts." This of course excludes the Portuguese from the use of purchased vessels, besides establishing restrictions and requiring proofs of formalities from which we are exempted, by merely producing a register, duly executed. In its operation, such a clause must again be disadvantageous to Portugal, in consequence of the great disproportion of prizes which, in all maritime wars, we have to nationalize. The object doubtless was to discourage the purchase of vessels from the United States, and at the time the provision was introduced it might appear as an incentive to ship-building in the ports of Brazil; but it could not fail to be detrimental to a country

that besides the Court removing to the Colonies, had been stripped of its mercantile navy and, by a series of national disasters, was prevented from repairing the loss.* After the misfortunes of Portugal, partly attributable to the firmness of her alliance with us, such a distinction does not savour much of that "liberal system of commerce, founded upon the basis of reciprocity and mutual convenience," which the Treaty holds out as the best means "of consolidating and strengthening our ancient friendship and good understanding."

Article 10 permits the appointment of a Judge-Conservator to try and decide all cases brought before him by British subjects," &c. This privilege was exacted in Cromwell's Treaty of 1654, and it is probable that the administration of justice in those days required more than ordinary protection in Portugal; but, in modern times, particularly when it has been abolished in Brazil, it is a matter of great doubt whether it is expedient to retain it. The creation of such a jurisdiction within a foreign realm, is in itself monstrous, and rendered much more so by Cromwell's demand that the appeals from the Judge, appointed by himself, should be decided by the Portuguese courts, in four months! From the year 1645 to the accession of King Philip,

* It is actually a fact that, on the 23rd November, 1816, the Lisbon Regency issued an order for the purpose of restraining foreign vessels from carrying on the coasting trade within the dominions of Portugal, alleging that, in some parts of the United Kingdom and adjacent Islands, where the trade had been opened to foreign nations, the latter were conveying merchandize from one Portuguese port to another, to the exclusion of natives, and chiefly owing to the want of vessels.

we enjoyed a similar privilege in Spain, but it was given up in the Treaty of 1665, as useless, it having been ascertained that, for several years previous, no appointment had been made. No other foreign nation ever sought to obtain such a privilege in Portugal, and with us it would cease to be of use, from the moment our treaties were made straight and clear and efficient men appointed to the Consular offices.

Article 15 agrees "that British goods shall be admitted into the dominions of Portugal, as well in Europe, as in America, Africa and Asia, on paying generally and solely duties to the amount of 15 per cent." &c. It has already been observed that on the re-admission of our Woollens into Portugal, in 1704, the duties were fixed at the old rate of 23 per cent., in those times considered fair and moderate. This standard for the payment of duties on British merchandize was regulated by the secret Article, appended to Cromwell's Treaty in 1654, in which it was further covenanted that Portuguese commodities, in our ports, should pay the same duties as had been fixed by law, in the month of May, in the same year, that is, £12. on the pipe of wine, the prime cost of which was £9. It was then eagerly contended that the King of Portugal having engaged, on his own behalf and that of his heirs and successors, *per omne tempus*, to admit all our Woollen manufactures into his kingdom, as *was accustomed* before the prohibitions, he thereby not only agreed never to prohibit them again; but also divested himself for ever hereafter of the right of raising the duties, an exclusion held equally binding on his successors.

There is something strange in the stipulation of a perpetuity in the rate of duties ; but, at all events, it appears that 23 per cent. was the protecting charge levied upon British merchandize, imported into Portugal, from 1654 to 1810, that is, for a period of 254 years. The only return we seemingly gave for this concession, was, that Portugal wines should be brought into our market at a charge of one third less than is paid on those of France, which terms being perfectly indefinite, it has happened, in war time for example, that the duty on the pipe of Portugal wine has been raised to £55., and at the present moment stands at £28. In 1780, Chevalier Pinto, the Portuguese envoy, presented several memorials, alleging an infraction of the Treaty, by additional duties being laid upon Portugal wines ; when the complaints were deemed frivolous ; and, with respect to the additional duty, it was answered that, as the wines of France would be thereby affected in the proportion stipulated in the Treaty with Portugal, his nation could have no just cause for remonstrances.

Whether it was contemplated that such would be the operation of the Treaty, at the time it was made, were now a fruitless inquiry ; but, in this respect, absence of reciprocity must be evident to every one. In consequence of the heavier expences which governments incur, in modern times, it has been usual to raise, rather than lower, duties ; at least this was our practice. How then could the government of Portugal exist, when so large a proportion of her imports paid only 15 per cent. ? As before noticed, a reduced duty of this kind might suit the circum-

stances of Brazil ; but, I ask the candid and impartial reader whether it could support an old State, in Europe? Could other nations, paying 30 per cent., be satisfied with such an enormous preference as this in our favour? When the Braganza Family reached Brazil, as before noticed, the duties then payable by allied and friendly powers were fixed at 24 per cent., and subsequently on national goods, imported under the Brazilian flag, at 16 per cent. On what principle, then, could we ask for a reduction in Portugal to 15? This new regulation in fact deranged the whole of the system, pursued in the Custom Houses of that country.* Even after the negotiation of the new Treaty with us, goods brought home from the Portuguese dominions in Asia, were charged 32 per cent. duties, including 4 under the title of *donativo*, or gift, which the importers themselves of old had voluntarily allowed the government for the special purpose of rebuilding the Exchange and warehouses, destroyed by the earthquake, in 1755. The Portuguese were thus actually paying 32 per cent. on merchandize entered from their own distant settlements, at the very time that our new Treaty compelled them to receive our home manufactured cottons ; nay, even those of Bengal, at the reduced rate of 15 ! This crying grievance, as it was supposed, was remedied a year afterwards, that is, by an *Alvará*, or royal order, dated February 4, 1811,

* It will be considered as a curious transition in commerce, when it is known that, in 1816, shipments were actually made from British ports to Brazil, of rum, low-proof brandy, wine and even salt, to which the derangement in duties was the chief inducement.

by virtue of which the duties payable on Asiatic goods, imported into Portugal from her own establishments in the East, were fixed at 16 per cent. ; but, the Custom-house officers in Lisbon still demanding the 4 per cent. *donativo*, which they alleged was not affected by the royal order, notwithstanding the object for which it was first appropriated had been completed fifty years before, it actually followed that the Portuguese were paying 20 per cent. on their Asiatic goods, at the same time that it was *ad libitum* with us to import into Portugal our own cotton manufactures, as well as those of the East Indies, at the low rate of 15 per cent.! In the following year, a memorial was submitted to the Regency by the Portuguese merchants concerned in the Asiatic trade, in which this grievance was stated at full length, and it was therein alleged that the very preference alluded to "had not only deranged the business of the Lisbon Custom House ; but also suspended all shipments beyond the Cape of Good Hope for the ensuing monsoon."

The political economy of commerce consists in selling cheaper than one's rivals, and this most assuredly Great Britain can do in the various branches of her manufactures. Unreasonable preferences lead only to jealousies and distrust, and this unfortunately has been the case in Portugal. During the time of the Cortes, that is, in 1822, a curious discussion arose on the interpretation of the 26th Article of the Treaty of 1810, which runs thus ; "it is agreed and declared that the stipulations contained in former Treaties respecting the admission of the Wines of Portugal, on the one hand, and the Woollen Cloths

of Great Britain on the other, shall at present remain unaltered." This, of course, relates to the Methuen Treaty, and although the *quantum* of duties was not therein specified, reference being made to a known and established custom, long in force, there was no difficulty in making the application. The duties were consequently restored to the rate of 23 per cent., as regulated in Cromwell's Treaty; but the Constitutionlists when in power argued that if the stipulations relating to the reciprocal admission of wines and woollens were to *remain unaltered*, the duties on the latter could not be reduced to 15. The matter was eventually referred to a Committee of the Cortes and this interpretation confirmed. A correspondence upon the subject ensued with Mr. Canning; but, as soon afterwards the French proceeded to invade Spain, the question was I believe waived, on condition that the British government should insist on their not passing the Portuguese frontiers.

I shall now merely remark that according to Article 33, "the contracting parties reserve to themselves the right of jointly examining and revising the several articles, at the expiration of 15 years, and of then proposing, discussing and making such amendments, or additions, as the real interests of their respective subjects may seem to require," &c. The Treaty was ratified by Great Britain on the 18th June, 1810, consequently, the term above specified expired in 1825, and yet the same confusion still prevails, notwithstanding the important change in circumstances.

On the 10th of August, 1827, our Commercial

Treaty was concluded with Brazil; Article 2nd of which allows the respective appointment of Consuls, in the usual way: 3rd, empowers them to act as arbitrators, in cases of disputes arising among their own countrymen and to take charge of their property, when dying intestate, as far as the laws of the respective countries allow; 4th, declares that the subjects of either of the contracting parties shall enjoy the most perfect liberty of conscience, in matters of religion, according to the system of toleration established and practised in their respective States; 5th, that they shall freely dispose of their property by sale, gift, or testament; be exempt from military levies, &c.; 6th, that "as the Constitution of the Brazilian Empire has abolished all particular jurisdictions, it is agreed that the appointment of a Judge Conservator shall only subsist until some satisfactory substitute can be established;" 7th, allows facilities to individuals for the settlement of their affairs, in case of rupture; 8th, agrees not to admit deserters; 9th, relates to salutes; 10th, stipulates reciprocal freedom of commerce and navigation, except in the coasting trade; 11th, that port-charges shall not be greater than paid under the national flag; 12th establishes the nationality of vessels, reciprocally; 13th, that the subjects of each shall, in the dominions of the other, freely trade with other nations, in every kind of merchandize; 14th, nevertheless excepts such commodities as the Crown of Brazil may have reserved in exclusive monopoly for itself; 15th designates contraband of war; 16th, relates to the establishment of packets; 17th, to pirates; 18th, to shipwrecks; 19th, establishes a

general duty of 15 per cent. on all merchandize brought from Great Britain, or her Colonies, and entered for consumption, rated on tariff prices ; 20th, the Emperor of Brazil binds himself not to admit the goods of any other nation at a lower rate than the one above specified, except those of Portugal, coming direct in Portuguese, or Brazilian vessels ; 21st, that Brazilian produce and wares in Great Britain and her Colonies, shall pay no greater duties than are levied on the same articles imported from other foreign countries ; 22nd, that excepted articles shall be warehoused for exportation ; 23rd, that all British merchandize imported shall be accompanied by a corresponding cocket, Consular certificate, &c. ; 24th, allows Brazilian subjects to trade to British possessions in Asia, as far as is granted to the most favoured nations ; finally, Article 28 agrees that the stipulations contained in this Treaty shall continue in force for fifteen years, &c.

After this short analysis of our Treaty with Brazil, it may be proper to add that the duties are there fixed, by law, for all foreign nations at 15 per cent., which thus precludes every species of preference and distinction. The real difference between the two compacts it is not for me to point out—they must be obvious to every one, and from what I myself have had occasion to notice, those Portuguese who entertain the strongest predilections towards us, cannot look upon the present state of their commercial relations with Great Britain, without feelings of indignation.

The subject among ourselves indeed seems totally misunderstood, so confused is the aspect which it has

assumed, owing to the complications abounding in the original instruments, as well as the *exparte* interpretations put upon some of their most material clauses. There even appears to be a doubt whether our intercourse with Portugal is valuable, or injurious, and whether it ought not to be formally abandoned, or tacitly relinquished. . We seem as if we were not sure of the ground on which our trade to that country stands, and yet shrink from investigation. On the precise nature of our relative footing, a controversy has been going on ever since the year 1758, during which memorials have been presented to Parliament ; a report made by the Lords of Trade ; special envoys sent out with a view to explanation and adjustment, and yet, after all, nothing has been settled—the question has not been put at rest ; nay, it was merely hinted at in our Treaty of 1810. In a word, we accuse the Portuguese of breaking their old engagements, whilst they return the compliment ; and yet, after the lapse of nearly a century, it has not been decided which party is in the right. We reproach the Portuguese for not favouring us enough ; whereas the French call them the *commercial vassals* of England and upbraid them for their subserviency !

By both ministers and merchants, certain points are eagerly selected as the objects of their peculiar censure and pointed crimination ; the discussion is periodically renewed in the spirit of anger, and then the charges are suffered to drop, as if undeserving of further trouble ; or as if we were unequal to the inquiry. This mode of proceeding is unusual with us, in matters connected with our vital interests ;

but the question has been at length brought to such a state of dilemma, that we can no longer look upon it with indifference. This is not one of those mysteries which it may be thought expedient to hide from the eyes of the people. If we carry on a large and valuable trade with a foreign nation, and that of Portugal, I shall ever contend, is of this description, the precise conditions on which that trade rests, ought to be made known. Our national enterprise has tauntingly been called a mercantile struggle for money, in which the government aids by its powers; its influence and its negotiations; how then does it happen that our commerce with an old and faithful Ally is so much neglected? Commercial treaties are generally made with a view to obviate difficulties; ours however with Portugal seem calculated to create them, and when they have occurred, they are left to chance for a remedy; in the mean while that the evils go on continually increasing.

Yes, My Lord, I am one of those who have long thought that our commercial relations with Portugal required a complete and early revision. No commerce, to its extent, was ever more sure and valuable, and yet the foundations on which it rests are truly chaotic. Our treaties, conventions and other private and public instruments with this single power, are innumerable; many of them made in times when the principles of commerce were not understood, and consequently now obsolete—nay, they are often found monstrous in words, as well as in substance. Some contain stipulations not only questionable, on the grounds of policy; but also impracticable. By the course of events, many engage-

ments have become void, in some respects, and unreasonably burdensome, in others. Some Treaties were made for a fixed period, and others negotiated under circumstances of peculiar difficulty and disadvantage. Some are marked by improvident concessions, as it were, wrung from a prostrate nation; and reminding one party only of humiliations, without conferring any real advantage on the other. Several contain stipulations in favour of moral honesty, inconsistent in their terms and incompatible in their operation with the dignity of any monarch. These numerous acts, covenants and stipulations, have been so blended and confounded by being successively renewed, confirmed and invigorated, that at length the merchant and the statesman find themselves entangled in a labyrinth, from which extrication is no longer possible.

In proof of my assertion, I will state one case to which I have before alluded. In August, 1758, a Memorial was forwarded by the British Factory at Oporto to Lord Chatham, and subsequently a Remonstrance to his Secretary, Mr. Wood, on the 29th April, 1750, lamenting that no answer had been given. Again, another Memorial was transmitted to Lord Halifax, both virulently complaining that by Treaty the British in Portugal have a right to buy, sell and export all articles of merchandize; but that, owing to the restrictions of the Royal Oporto Company, they are compelled to take out permits for their wines; limited to the purchase of a certain class and, in particular districts, inhibited from making and buying brandy; in a word, they complain of a grievous and unnatural monopoly to which

they ought not to be subjected, according to the existing relations between the two Crowns.

Such is the substance of those two memorable Petitions, and the grounds on which the allegations contained in them rest, it was said, are to be found in the 2nd and 3rd Articles of Cromwell's Treaty, made in 1654, and to the following effect; 1st, "there shall be free commerce between the Republic of England and the King of Portugal, their subjects, &c. as well by land, as by sea, in all and each one of the territories, islands, Colonies, &c., where commerce was formerly, or is now carried on, in such manner that the subjects of either may, without any safe-conduct whatsoever, or any other general, or particular licence, proceed by land, sea or rivers, to the said territories, islands, Colonies, &c. of the other, and enter the same, &c.; and therein import, sell and purchase merchandize, lay in provisions, &c.; and with the same freedom depart therefrom with their merchandize, &c. without impediment; *saving, nevertheless, the laws and statutes of each country.* 3rdly, that the people of the said Republic shall have liberty to purchase all kinds of goods, commodities and merchandize, in the kingdoms, territories and islands of the King of Portugal at the first hand, in parcels, or to any amount, when and where they like; nor shall they be compelled to purchase them from the forestallers, or monopolists; nor shall they be restricted to a fixed price," &c.

Such are the stipulations agreed to in 1654, and of a breach of them, as I have before noticed, complaints, loud and acrimonious, have been thus going on ever since 1758, and are as likely this year to be

renewed, as they were the last. This question therefore merits the most serious attention; but it must not be examined according to the different relations of power, at the present day. It must be tried agreeably to the principles of good faith and fair reciprocity, as between equals. If we claim a specific and important right, alleged to be derived from an instrument intended to secure to us privileges, or the benefits of a friendly and reciprocal commerce, it must be ascertained whether that instrument really contains conventional evidence of the fact, and if it does, we must next proceed to inquire whether the use which the favoured party wishes to make of it, is proper and consonant to public law.

In this fair course, there is no assumption of superiority, on one side—no submission to insult, on the other. The independence of the party arraigned by our complainants at the bar of public opinion, is then unquestioned—his sovereignty is not violated. The Oporto Factors urge a plea, involving a momentous principle, which, once admitted, all attempts to limit its operation would be in vain. A misconceived stipulation in a treaty, it must be further borne in mind, has often proved more fatal to the question of right, than the pillage of a dozen wars; at the same time, it will be agreed that when, by a solemn compact and with a fair equivalent, one party acknowledges the injurious claim of another, he is bound by his own act and must submit to the consequence.

From my earliest youth I have been anxious to see this question terminated. I ever thought, and still think that, after the disagreeable stages through

which it has passed, no treaty with Portugal could be satisfactory and conclusive, without it. On the spot, I endeavoured to make myself acquainted with the details, more from curiosity than interest, and certainly with no public view; but I am glad that an opportunity of publishing a partial result now presents itself. My researches were pursued among persons of all classes and nations; nevertheless, it was with me a subject of the deepest regret that I never could meet with the result of the conferences held between Mr. Hay, our Consul-General in Lisbon, and the Count de Oeiras, afterwards the Marquess de Pombal, respecting the Factors' Petition of 1758. Explanations were then demanded by Lord Halifax—the subject was green and fresh, and the questions and answers it is more than presumable contain important elucidations which ought not to be lost. Of these conferences all I was able to learn, is, that they were boisterous; accompanied by language, the most virulent, and ended in denunciations forboding evil.

I do not however here stand forth as the champion of the Oporto Wine Company. I merely speak the language of an observant spectator, having neither view nor interest, in the issue of the question. I feel called upon to discuss the construction put upon two Articles of a public treaty, and when I profess to be impartial, I can at the same time confidently add, that I am the last who would wish to see the sacrifice of a single one of those real benefits which were justly acquired, and have hitherto cherished our commercial enterprise.

I know full well that I am treading on ticklish

ground. I have not forgotten the nature and tendency of the debates upon this very subject in the House of Commons last year—the clamour then raised still dings in my ear! I have weighed well all the arguments studiously raised upon it, both in England and Portugal, and I do not wish to elude; but rather meet them in their full force. I write more with a view of suggesting matter for future consideration, than of entering into the various topics of so large and interesting an inquiry, and after thus candidly avowing my motives, I rest with perfect confidence on the good sense of my countrymen for that award to which only I aspire.

How the wine Factors could, in 1758, allege the breach of a Treaty negotiated in 1654, in reference to the purchase and shipment of a commodity at that time not even in existence, will not be readily understood.* The right to buy and ship all articles of merchandize, granted by treaty, extended only to things which the contracting party really and actually possessed, and by no fair construction could it embrace what they might afterwards acquire. This principle of common sense forms an acknowledged maxim of public law; but, at a future period of time, coming into the possession of a new merchantable commodity, what is there in the clauses

* Howel, in his Letters, written in 1634, says that Portugal had no wines worth shipping. The Inspector-General of Imports and Exports in 1669, declared that no Portugal wines were entered on the Custom-House Books at that time. It is equally well proved that Port wines were not introduced into England till 1700, on the failure of the Florence vintages, when they were sold for medicinal purposes, being found highly stomachic.

of the Cromwell Treaty, that can restrain the owner from administering his acquisition in such manner as to render it more beneficial to the community, as well as more productive to the government? When treaties of reciprocal commerce are made, each party gives up a real and substantial benefit, or right, and each in return receives a real and substantial compensation. If our treaty restrained the Portuguese government for ever hereafter from improving its agriculture; opening new sources of wealth, and promoting industry among its people, merely because the regulations might be offensive, or injurious to a portion of our subjects living under its laws, what is the equivalent rendered back by us? I know of no such privileges enjoyed by the Portuguese in Great Britain. If the interpretation of the Oporto commentators were to prevail, it would inevitably follow that, in the excess of his complaisance, King John IV., who treated with Cromwell, had not only ceded the interests of his subjects; but also surrendered up the attributes of national independence; and, that nothing might be wanting to complete the goodly work, the Portuguese would now be told that their treaties being perpetual and immutable, these rights so resigned cannot be revived.

If we examine the charges instituted with a view to obtain redress, it will be found that they amount to a flagrant deviation from honour and good faith, and as such have, over and over again, resounded within the walls of the British House of Commons. The sovereigns who have reigned in Portugal, ever since this dispute commenced, even including the

great Joseph, among us were held up as men who had broken the national faith, in order to remedy mischiefs resulting from their predecessors improvidence; and yet these charges, as I have before said, are from year to year left pending! Is this fair? Is it consistent with common justice? But, I will go further into the case, in order that I may not be misunderstood.

In July, 1812, the late Oporto Factors presented another Petition to Parliament, in which, after enumerating their losses arising out of the French invasion, they state that "they had looked forward with the confident hope of resuming their trade, freed from the numerous vexations and annoyances under which they had for many years laboured, and of which grievances his Majesty's Ministers have always been sensible." They then proceed to say "that with great satisfaction they observed their hopes realized, as they imagined, by the new Treaty (meaning that of 1810) the 8th Article of which provides that the commerce of British subjects shall not be restrained, interrupted, or otherwise affected by the operation of any Monopoly, Contract, or Exclusive Privileges of sale, or purchase, whatsoever; but that the subjects of Great Britain shall have free and unrestrained permission to buy and sell, from and to whomsoever and in whatever form, or manner, they may please, whether by wholesale, or retail, without being obliged to give any preference, or favour, in consequence of the said Monopolies, Contracts, or Exclusive Privileges of sale, or purchase."

The Memorialists next submit that, "notwithstanding this Treaty, they continue labouring under

the same numerous oppressions which they have so many years suffered by the continuance of the uncontrolled, arbitrary and excessive power of the Oporto Monopoly, as long since proved and acknowledged by the Lords of Trade, particularly in their Lordships' Report to his Majesty in Council, in which their Lordships emphatically declare" thus :

REPORT—"The tendency and intention of that establishment was the exclusion of his Majesty's subjects from the traffic in the Wines of Portugal, and their Lordships further observed that it was not necessary to enter into a minute discussion with respect to many particular regulations of this Company, which they think justly objected to by the Merchants, as highly grievous and oppressive; for their Lordships are of opinion that a fatal objection lies against them all, viz., that they all contribute to establish in the Company a monopoly against British subjects, from which by Treaty they have a right to be exempted."

Such is the authority adduced, and the Petitioners then refer to various other Memorials, individually and collectively presented by them to the Lords of Trade, praying that, previously to any Acts of Parliament being passed for carrying the said Treaty into effect, an explicit declaration should be obtained, expressly announcing and declaring, beyond all doubt, that by the 8th and 25th Articles of the said Treaty, British subjects were absolutely exempted from the power and control of the Wine Company at Oporto."

Before I proceed any further, it may be proper to observe, that this Petition was signed by 35 persons,

some individually, which reduces the number of firms to 19, and from the tenour of their prayer it was evident that nothing short of the abolition of the Royal Company would satisfy them.

Another Memorial, similar in substance and effect, signed by 16 firms and dated October 14, 1824, was addressed to Mr. Canning, as Secretary of State for Foreign Affairs, and afterwards laid before Parliament, in which the grievances complained of are stated more in detail, and in support of the several allegations, the Treaty of 1810 is again invoked. This Petition however goes further and expresses a hope that, "in the revision of the Treaty, (at that time early expected) those rights would be secured to the complainants which they ought long since to have enjoyed," &c.

In looking into this affair, the great difficulty that occurs is, the question of *right*, for without this is properly established, our government could have no substantial grounds of interference, unless in the way of negotiation. I have already discussed the point as connected with the Treaty of 1654, and I can scarcely think that the one of 1810, the most material Article of which is above quoted, confers any new right, privilege, or exemption, applicable to this case. Laws and treaties have not a retrospective effect, unless express provision is therein made. I have always understood that the Portuguese authorities totally deny the right alleged, and when applied to upon the subject, have substantially given for answer that the abolition of a Royal and Corporate Body, and more particularly one from which the country derives the most signal advantages, is a

pretension, inconsistent in itself, and an innovation, so destructive of national rights, that they would never submit to it.

Unless by special covenant, therefore, I cannot see how the Treaty can be made to bear upon this point; or how the work is to be achieved and the wishes of the Oporto Memorialists complied with. I do not comprehend what *Monopoly* is meant by the 8th Article on which so much stress is laid; but, if the term was intended to refer to the Oporto Company, it ought to have been so declared. It is well known that the Treaty of 1810 was made under the immediate auspices of Mr. Canning—almost under his dictation, and in full possession of all the previous disputes and difficulties, as he then was, why was this point, the one of all others that most required a revision, left more dubious and complicated than it even was before? It cannot for a moment be thought that the clause alluded to was purposely introduced, in order to strengthen the claims of the Oporto Petitioners, and being once embodied in the new compact, that it would be easy, at any time afterwards, to give it the interpretation that was wished. Such an act of duplicity were impossible. Mr. Canning could not have sought to take the Portuguese government by surprise. It could not be thought that a nation whose honour and consistency, independent of its interests and prosperity, were staked on the issue of this question, would become the dupe of such a clumsy contrivance. Our minister's object, consequently, could only be prospective, like that of the other Contracting Party, although I regret to state, I have often heard his intentions,

assailed, and severely too, when the Memorials above alluded to were made the topics of discussion.

But, even for a moment supposing that the clause in question empowers us to demand the abolition of the Oporto Company, as being a grievance and a monopoly; supposing also that British subjects are thereby entitled to privileges, exempting them from the operation of a general law in Portugal, how would the matter then stand? The very same Article 8th, so confidently pleaded, has a concluding paragraph—in fact a counterpart, which the Memorialists carefully keep out of view, although so essential to a just comprehension of the negotiator's meaning. This concluding paragraph runs thus: "And his Britannic Majesty does, on his part, engage to observe faithfully this principle, thus recognized and laid down by the two High Contracting Parties."

Here our sovereign engages *to observe faithfully this principle, thus recognized and laid down*,—which evidently implies hereafter; how then is a retroactive effect to be given to his pledge? He assents to a principle; but is he alone to give the definition of that principle, in case of doubt, and then make the application? In a word, are we to take the law into our own hands? But, supposing that we are; granting, for the sake of argument, that a Treaty made in 1810, authorizes us to demand the abolition of a general law, passed in Portugal so long ago as the year 1756, the principle on which we engaged to act being reciprocal, it follows that the Portuguese would stand on precisely the same ground with regard to us. They would turn round and say—

Gentlemen, we equally demand the abolition of the East India Company's Monopoly, established in 1700; of the Excise on wines and spirits, first granted by the fifth Money Act, W. and M. Parl. 2, Sess. 2; finally, we ask to be exempted from the grievances and hardships of all those "Monopolies, Contracts and Exclusive Privileges" which, in Great Britain, militate against our interests. What, let me ask, would then be our position? If the "principle, recognized and laid down," rests on the basis of reciprocity, what answer could we make? Would not the Oporto merchants and their upholders in this country have done well, if they had considered all these points and weighed them carefully, before they proceeded to insult and reproach the government of a country under the laws of which the interested parties were living?

The whole tenour of the Treaty breathes reciprocity, as in principle and general practice understood among nations; it being intended that each party, in commerce and navigation, should be respectively put on an equal footing. What was to be altered in the previous relations was publicly declared, and hence we find that, in the 25th Article of the new Treaty, it is thus set forth; "But, in order to give effect to that system of perfect reciprocity which the two High Contracting Parties are willing to establish, as the basis of their mutual Relations, His Britannic Majesty consents to waive the right of creating Factories, or incorporated Bodies of British Merchants," &c. The *right* here alluded to I do not find recorded in any of the old treaties; or specially conferred by any royal grant of the kings of Portugal

that has yet come under my notice ;* but, the motive which led to the insertion of such a clause, bears me out in what I have said upon this point. All that was to be destroyed, or rescinded, is expressly mentioned. There was no wish to look backward beyond this; and that such was the view which our own Legislature took of the subject, who seem to have been almost as much alarmed as the Portuguese government will be when they hear of what is passing among us, appears evident from the very Act of 51 Geo. III. C. 47, S. 9, passed for the special purpose of giving effect to the Treaty, the most material clause of which runs thus, " Provided always that nothing in this Act shall extend, or be construed to extend, to repeal, or in any wise alter the duties, &c. ; or to repeal, or in any wise alter any special privilege, or exemption, to which any person, or persons, bodies politic, or corporate, is, or are now entitled by law ; but the same shall be continued as heretofore," &c. And, do the Portuguese require a better salvo than this ?

* British Supercargoes first established themselves under the sanction of privileges, granted by the Court of Portugal, as shewn in the early part of this Letter. Cromwell appointed Thomas Maynard Consul-General in 1656, and his brother, Walter Maynard, Vice Consul at Oporto in 1659. It was only in 1727, that our merchants, residing at the latter place, incorporated themselves and made rules for their own proceedings ; but I never heard of these being confirmed by any competent authority. When a deputation from the Oporto Factory went to Lisbon, to confer with the Marquess of Pombal respecting a letter which they had put forth, signed under that designation, he told them " that he had never heard of any British Factory but one, and that was on the coast of Coromandel." The Factory was an association formed by our merchants for the protection of their own interests ; but I never heard of its being known to the government of either country.

With so many imputations against the Royal Company established to promote the Agriculture of the vines of the Upper-Douro, on record, and which have evidently made deep and lasting impressions in some of the highest quarters, it would be both unfair and unjust in me, particularly as the question of Port Wines, through a peculiar circumstance, is at this moment revived, not to inquire a little further into the nature of the institutions on which the authority of that Corporate Body is founded. Besides the allegations above referred to, there is a Report from the Council of Trade before the world, which ought not to remain unnoticed. I do candidly confess that I have not been able to meet with this Report any where else than in the Memorial of 1812, as reproduced by me, which certainly bespeaks a special favour, at the time shewn to the Petitioners; but, as the application in which it is quoted was printed by order of the House of Commons, after a smart discussion which took place on the 22nd July, in the same year, I am warranted in considering this as a sufficient evidence of the fact.

I have already briefly alluded to the motives which led to the establishment of the Corporate Body in question; the circumstances under which it was instituted, and also the immediate effects it had upon the agriculture of the country. I think that what I then stated will be deemed unobjectionable, I argued that the measure formed part of the undeviating policy of the most enlightened and patriotic administration Portugal ever possessed, and confidently contended that it was carried into effect according to the known principles and usages of nations. I flatter

myself that I adduced sufficient evidence to support my position. I have therefore only to examine into the nature of the Company's institutions, and afterwards ascertain whether its servants, in accomplishing the purposes for which they were invested with power, have gone beyond the compass of their Charter, or abused the ends for which their grant was designed.

It is a fact, established by our own countrymen, that the adulterations, originally introduced by themselves, coupled with a combination on their part, in the year 1755, not to buy the wines of that vintage, first led to the establishment of regulations for the protection of the growers; the advancement of their interests, and the reputation of an article that, in the course of time, had become a staple commodity of the kingdom. A company was consequently formed, under the immediate auspices of the reigning sovereign, to whom the special care and direction of this important and since flourishing branch of national agriculture was confided. A law was thereon enacted, denominated "Of the General Culture of the Vineyards of the Alto Douro," in the preamble of which the objects above stated are distinctly avowed; it being therein further set forth that it was desirable "to avoid, on the one hand, the excessively high prices which, by rendering the consumption impossible, ruin the trade; and, on the other, to prevent the article from being depressed so low that the growers could no longer bear the expences of its cultivation."

Adequate funds having been raised by the sale of shares, in the purchase of which wines were received

in part payment, advances were made to the needy farmers; severe penalties enforced against adulterators,* and a variety of other conservative measures adopted. The aspect of the country almost immediately changed. At first the annual exportation of Port Wines did not exceed 5000 pipes, whereas in 1780, it amounted to near 30,000. In 1701, the Douro wines were sold by the grower at £2. 15s. per pipe; in 1731, at £13.; in 1755, at £3. and in 1779 at £8. From that period the fluctuations, often occasioned by combinations, ceased, and the price advanced according to the demand for a foreign market.

By the very nature of this institution, the Company became a body of merchants, entrusted also with fiscal powers. Compelled at the moment to act on a principle of economy, the government was obliged to interest the shareholders in benefits which it hoped to obtain through the aid of their co-operation, and beyond doubt to this judicious participation in the results, the success of the measure may be mainly attributed. It was deemed necessary to concentrate the cultivation of the protected article; to restrain its growth within due bounds, and reduce it to a standard, proportioned to its utility; the market for which it was intended being limited. It was also found advisable to establish a test, in order to ascertain the quality, and this was only to be done by issuing permits, in order to prevent deceptions, simi-

* The elderberry was formerly used for colouring, and this plant was seen growing in great abundance throughout the vineyards. One of the Company's laws subjected the owner of a wine estate to a severe penalty on which this drug was found.

lar to the practice of branding the barrels of each kind of flour, in the United States; or accompanying the hogsheads of tobacco with a surveyor's certificate.

The regulations for these purposes framed, consequently, contained the elements of an encouraging, as well as directing power; it being primarily understood, that the quality of the article was the imperative condition on which the trade in it was to stand. By a seasonable supply of funds, the cultivators were enabled to bear any delay in the sale of their wines, and thus no longer left at the mercy of the greedy speculator. The necessity of removing every undue control over the will of the grower, in fact suggested the first idea of the establishment. So great had been the abuses practised in this trade; so really distressing the combinations at various times experienced, that the government was imperiously called upon to interpose a power in order to prevent their recurrence. Deputations had been sent up from the wine districts, and their sufferings and clamours could no longer be disregarded. The appeal could not be resisted and interference became indispensable.

It was therefore determined to take this incipient branch of national agriculture under the protection of government, for the benefit of the grower, as well as the consumer, by the adoption of such measures as would produce an equilibrium between the seller and buyer, and at the same time secure the advantages of a steady market. To obtain this desirable end, it was deemed necessary to facilitate the fiscal

action at home, without throwing any embarrassments in the way of exportation.

With this view, the Company was formed, and to it the law confides not only a fiscal authority, as regards wines, but also entrusts it with the receipt of the King's duties imposed upon them. It even interferes in the application of these duties, as far at least as regards the improvement of the communications with the interior provinces. The Board is chosen by the great body of Shareholders, and, in cases of doubt, obliged to consult the King's authorities. If, in the exercise of their functions, the Directors deviate from the general statutes of the realm, they are liable to the same penalties as all other infractors of the public law. Beyond the limits ascribed for them, they enjoy no special privileges, or exemptions. The wines are sold at a public fair, duly proclaimed; publicity, competition and regularity having been considered essential to the success of the enterprise. The Company competes, through the medium of its commissioners; but favoured by no preference. The fair being opened, the grower is obliged to sell to the purchaser who first reaches his cellar-door, whatever quantity he requires, which places all the competitors on the same footing.

It is however alleged that the price is peremptorily fixed. This is by no means the case. The law establishes a *maximum*, which the seller cannot exceed; but he can lower it, as much as he pleases, in favour of a British purchaser, a preference which a Portuguese does not enjoy. The quantity of wines proposed for embarkation, we are told is limited; assuredly for reasons which require no explanation;

and this being done, it is the duty of the Company to prevent the shipment of those which have been rejected. The quality is fixed by the award of practical and skilful men, and by these means it was hoped that mercantile artifices would be counteracted ; but even the public tasters, four in number, are not the servants of the Company. Two are appointed by government and two by the growers. Penalties are further denounced against those who should dare to adulterate the wines, as the law declares, " either by using grapes, grown on other lands ; mixing the white and red together ; or by employing bad brandy, elderberries, or any other ingredient foreign to the preparation ;" but of the infliction of these penalties the Company is not the arbiter ; all criminal process, instituted by the Directors, being subjected to a judicial inquiry.

After this brief exposition, I ask the impartial reader to decide whether, with any shadow of justice, an institution of this kind can be called a monopoly, in the sense alleged ! The law holds out inducements to the grower to cultivate good vines and, at the same time, restrains him from deceptions. The property thus fostered is originally Portuguese, and does not pass into the hands of another, until the transfer is made, when it is taken under all the restrictions previously imposed upon it. If however the purchaser objects to the proof of the official tasters, he can use his own judgment, two months being allowed him for his selections, before the fair is opened. He cannot certainly lay in his stock until proclamation is made ; but he has the opportunity of obtaining beforehand the information requi-

site to guide him in his assortments. This is the principal restraint. He is indeed compelled to embark the article, as it was bought, and this is the more reasonable, because if adulterated, the discredit eventually falls upon the grower, whose brand the cask bears. The foreign merchant can even buy up the rejected wines, if he chooses; although he is not allowed to ship them under a denomination that would lead to a fraud. The Oporto brand, or permit, is all that is withheld from him; but he can have recourse to another port—he has Figueiras and Viana at hand. The quantity approved for the foreign market is always equal to the demand, and the law is besides the same for all. In a word, there can be no monopoly, when it is a public fact that the British buy three fourths of the wines annually vintaged on the banks of the Douro, and regularly ship them on their own account. In doing this, they are certainly subjected to regulations—to these they equally were in Cromwell's time, for the very Article of his Treaty on which so much stress is laid, says that the contracting parties may buy, sell, &c. “*saving, nevertheless, the laws and statutes of each country,*” which naturally implies those made, or such as might hereafter be enacted,

How then the Lords of Trade, in their official character and when giving advice to the Crown, in the Report above mentioned, assert “that the tendency and intention of that establishment (meaning the Oporto Company) *was the exclusion of his Majesty's subjects from the traffic in the Wines of Portugal,*” it would be difficult to imagine. The produce of the Douro vineyards could be of no use

either to the growers, or the government, unless a market could be had for it, and this was only to be found in England. Of this the projectors were fully sensible, and in order to answer the end desired, care was taken to render the article unobjectionable, so as to insure a safe and steady demand, and at the same time preserve the growers from disappointment. As before seen, success crowned their hopes, and in very few years the exportation of Port Wines rose from 5000 to 40,000 pipes, affording the Portuguese government an annual revenue of about £70,000., and ours often of a million sterling, and sometimes more ; besides the freights gained by our ships and the profits out and home by our merchants. Where then is “the exclusion or the monopoly against British subjects” alleged by the Council of Trade ? When their Lordships penned their Report, they could have known little of the origin and history of an establishment, which the Portuguese consider as the pride of their country, and most enlightened foreigners have pronounced the best institution they have among them.

It really seems to me, that those British subjects who stirred up this question and endeavoured to secure a triumph by resorting to the weapons of contumely and reproach, in so doing were unwise, unjust and glaringly impolitic. When parties are agreed in matters of right, the way is open to arrangements for mutual convenience. The regulations of the Oporto Company may be defective—this is the common infirmity of all old institutions ; but of this fact we ought to have convinced the Portuguese government and urged a reform, fairly and temperately,

instead of demanding the overthrow of an establishment, interwoven with the best interests of the country; an establishment on which the daily bread of thousands of families depends.

We have allowed the wound to rankle almost too long to admit of a cure; yet I think, with the deepest sincerity of heart, that men of integrity and capacious minds would still find expedients to reconcile the exercise of those rights which cannot be refused to Portugal, with the interests and security of our countrymen. We lost the golden opportunity of 1810; we have slumbered for the last two years, and yet our errors are not irretrievable. The true friend of his country must, however, see with concern that, far from endeavouring to remove, pains are studiously taken, and in the highest quarters, to increase obstructions in the way of a fair and honest adjustment; and that instead of appeasing irritated feelings and simplifying the question, it is endeavoured, by the use of general terms and severe invectives, to persuade the world that the Portuguese ought to relinquish a right, divested of which, they could scarcely exist as an independent nation. The Portuguese are a high-minded people and if, in the prosecution of a foreign claim, or in any other way, they become convinced that their sovereignty and independence are invaded, no dread of consequences will deter them from asserting their honour. To preserve that they consider their first duty—their highest concern. With it, they hope to enjoy peace, consideration and commerce; without it, they are aware that they can enjoy nothing long, for a nation that sacrifices its honour, cannot for any

length of time preserve its independence, and this it has always been our policy, as well as our duty, firmly to uphold.

Having gone thus far into this division of my subject, it might be deemed unnecessary to dwell any longer upon it; or to notice the various debates in Parliament which have had reference to the Treaty of 1810. Lord Althorp's project for the equalization of the duties on wines, having however been just brought forward, and a new interest thereby excited in the public mind, I felt irresistibly called upon to extend my plan—a wider field being now opened for discussion. The state of our affairs with foreign nations, as well as our conduct towards them, I again argue, ought not to be concealed. The measure, proposed as an aid to the revenue, is besides of so novel a nature; so fraught with danger to our commercial interests, and at the same time so destructive of national faith, that every elucidation of the principle on which it is intended to act; every leading feature of the case, must be deemed both seasonable and important. Hitherto, our statesmen have considered that our obligations towards Portugal were complied with, as long as we continued to receive her wines at one third less duties than those of France, and how this latitude was used I have already explained; but the new administration apparently think that they can dispense with even this bond, as it were, disregarding the consequences.

The question has therefore been rendered completely national, and as such, it luckily happens, that I have treated it, during my present labours, in all I have said with regard to Portugal. Alarm is

by this time spread throughout the country, and it seems universally allowed that besides a breach of faith towards an Ally; a serious injury will be inflicted on some of the most valuable branches of our domestic industry, if the innovations, held out as a financial expedient, are persisted in. I must thus crave your Lordship's attention a little while longer. I am not fond of indulging notions which have not the benefit of experience to recommend them; nor do I consider it consistent with the honour of his Majesty's government, or the interests of his subjects, that our commercial relations with any country should continue suspended on doubts and uncertainties. This is my impression, and when the better half of the Letter which I have now the honour of addressing to your Lordship, evidently written on the spur of the moment, was in print, I had no idea of receiving such powerful aid with the public as that which my Lord Althorp's budget has afforded me—that memorable budget of wild experiments—that direct violation of wholesome regulations, enacted and practised in ages of our commercial greatness and prosperity—that fearful leap, in the dark, from a height which it would never be in our power to regain, and that sudden resolve, uttered in the gloomy midnight of our aggravated calamities.

Yes, My Lord, the new financial measures struck every reflecting man with awe and surprise. Those who had any thing at stake, trembled at the dangerous consequences of the innovations, immediately affecting our commercial system at home, and anticipated serious derangements abroad. The appalling spectre of *liberal policy and French trade* stared them full in

the face, and they considered the contents of the Chancellor's budget as an ominous specimen of what was to follow. So it happened with myself; yet I am not singular in my ideas of commerce; nor do I think that we are benefited by unnatural preferences. I have had some experience in these matters, and this advantage I have had the opportunity of confirming by extensive observation. I am not opposed to theory, only so far as it is unsupported by practice. I love my country and rejoice at its prosperity; but I am not insensible of the disadvantages under which we labour when competing with foreigners. I am aware that we possess wealth and mechanical power, almost unbounded. I am also fully sensible that the competition excited among us, elicits that intelligence, industry and enterprise; that nicety of calculation, incessant effort and speculative spirit which astonish our rivals and carry the objects of our productive labour to the furthest limits of the globe; but, I am equally mindful that if our foreign trade and the consumption of domestic manufactures does not go hand in hand with those numerous discoveries which are called the *improvements of the age*—those inventions which display the talent and develop the ingenuity of man, they will become baneful, instead of beneficial; and the maxim, so fashionable and so much admired—that axiom of allowed excellence which, for the last fifty years, taught us to believe that “to lessen the amount of manual labour is to diminish the sum of human misery,” will prove fallacious and abortive.

Under these impressions, it is, that I venture again to call your Lordship's attention to the object and

purport of the present Letter, almost confined to a review of our commercial relations with Portugal. On the antiquity of this commerce ; its importance and the political advantages attached to it, I have already dwelt at some length ; but much have I yet to say, if I were not afraid of trespassing on your Lordship's patience. I have traced this intercourse with our oldest Ally to its origin, as far almost as public records are attainable, and marked its various fluctuations amidst the revolutions of maritime warfare and the struggles of competition. As far as my confined limits would permit, I have gone back to the earliest dawn of historic information, and distinctly shewn that our connection with Portugal has always formed the basis of a safe and lucrative trade, whether we consider the amount of tonnage employed ; or the value and nature of the outward and return cargoes—such a trade as must ever be deemed of the utmost importance by the enlightened Legislator ; the political Economist and the practical Merchant ; a trade, in short, which, if now lost, the injury thereby sustained must be justly attributed to our own conduct.

From returns, already presented by me (page 82) it will be seen that, on an average of 13 years, from 1817 to 1829, both inclusive, 608 British and 55 foreign vessels have annually entered inwards from Portugal, and 461 British and 103 foreign cleared outwards for that country. We send forth our goods to find the best and safest markets, and, in doing this, Portugal most assuredly affords us infinitely more scope than we do to her. Formerly, from other countries, she could receive the manufactured com-

forts now supplied by us, perhaps on terms more advantageous to the consumer, for reasons sufficiently explained when I noticed the competition of Hamburg, France, &c.; but, for nearly the last thirty years, fortuitous circumstances have materially favoured us. From the commencement of the present century, this trade has scarcely been interrupted by any other cause than the French invasion, and, as seen in the estimate (page 83) our exportation of Woollens to Portugal and her Dependencies are always considerable; on an average from 1815 to 1827, both inclusive, equal to £447,283 per ann. In 1815, they amounted to £727,808, when our total exports of woollens were as high as £9,387,455. The United States of America and the East Indies and China were alone larger customers in this article during that year.*

The returns of general imports and exports (page 84) stand equally conspicuous. The trade carried on between Ireland and Portugal is likewise valuable. As regards Newfoundland, it was asserted last year in the House of Commons, by a competent person, "that this Colony absolutely existed in consequence of the low rate of duty at which British fish was introduced into Portugal, and that if ministers should not be able, whenever the Treaty was revised, to secure the same advantages for the introduction of British cured fish, that Colony would be decidedly

* In 1816, our total exports of Woollens were £7,847,290; in 1817, £7,177,335; in 1818, £8,145,327; in 1819, £5,989,622; in 1820, £5,587,758; in 1821, £6,465,988; in 1822, £6,490,454; in 1823, £5,635,776; in 1824, £6,045,240; in 1825, £6,201,479; in 1826, £4,990,997; and in 1827, £5,292,418.

lost to this country."* This year an assurance was again given to the House that this trade alone with Newfoundland gave employment to 200 vessels annually.

Such is the nature of the trade which we have been in the habit of carrying on with Portugal and her Dependencies, and from the details into which I have entered and the corresponding proofs adduced, it will appear evident that the extent of our supplies has not been in the least affected by the separation of Brazil; a fact which I am confident will take many persons by surprise, although readily accounted for by those who are perfectly aware of the transitions through which Portugal has passed, within the last few years. As far as regards the consumption of articles derived from productive labour, I am well assured that we have been gainers by that event, and shall be considerably more so, as soon as the country is settled. To shew the importance of these supplies, it ought further to be borne in mind that, formerly, almost all the goods exported to Portugal were shipped in London, and now they go chiefly from Liverpool. From the metropolis we merely send partial quantities of tin, lead, drugs, copper, hemp, soap, hosiery, painter's colours, a few linens, fine cloths, tortoise-shell and articles of fashion; but the bulk of the orders are transmitted to the neighbourhood of the manufactures of Yorkshire, Sheffield, Glasgow, &c.; the port of London not retaining more than one tenth of the export trade to the Portuguese dominions which it had twenty years ago.

* Mr. Robinson, Debate on the Commercial Relations with Portugal, June 16, 1830.

Nothing more strongly denotes the value of this trade than this very transition. In 1811, an extraordinary year, owing to the circumstance of the British army being in the Peninsula and as seen from the preceding statements, our exports to Portugal were £6,164,858; and after the trade had assumed a proper level, on an average of five years successively, that is, from 1821 to 1828, both inclusive, they exceeded two millions and a half sterling per annum. On an average, this is considerably more than we send to Brazil, receiving in return commodities which interfere with the productions of our own possessions in the East and West Indies. In 1828, the official value of our exports to Portugal and her Islands were £2,581,737, and in 1829, £1,764,032, leaving a partial and temporary decline, attributable only to the convulsed state of the country.

Hitherto, the trade of Portugal has not reached the standard proportioned to the capabilities of the country. *Alta sedent civilis vulnera dextra*, and under such circumstances, no commercial plans could prosper. It is only when we shall have reached the end of those scenes of broil—those acts of violence, committed and threatened from our own territory, that the peaceable pursuits of traffic can be resumed. Surrounded by doubt and uncertainty, no confidence—no amicable intercourse can exist; it is therefore impossible for foreign commerce and internal industry to flourish. Liable to attack; exposed to the evils of anarchy, in dread of a civil, if not a predatory war; with menaces of vengeance and extermination, unceasingly renewed,

the peasant is deprived of all incentives to exertion, and thus is the course of those efforts impaired, which would otherwise have operated towards his advancement. Portugal, like Spain, has many dormant resources which can only be developed in times of peace. The Portuguese are well aware that much is yet wanting to complete their social happiness, and they are also as much alive to their own interests as any nation in Europe. They are well convinced that property is the invigorating principle of the faculties and exertions of man, and that to disregard the benefits with which nature has distinguished them, either by tameness, or an antisocial feeling, would produce consequences, infinitely more pernicious than the worst vices, or abuses, arising out of the less shackled schemes of policy and manners.

In many respects, we labour under the greatest errors regarding a country with which we have, for upwards of three centuries, been on the closest terms of alliance and friendship. Portugal contains men who are an ornament to the age in which we live, and that they will shew themselves the true friends of their country, by promoting its prosperity, there can be no doubt, whenever there is a rational prospect of an adjustment of the present differences, satisfactory to the parties interested and advantageous to all nations. Their country was once the cradle of commerce, as I before took occasion to remind your Lordship, and when we look back to the whole series of our political and commercial connection with a nation, the destinies of which have often been confided to our care, we cannot be regardless of the important considerations which the review

presents. Portugal has still ample Colonies and insular possessions left, to open a field of enterprise to her hardy and sober natives. Her position is the finest in Europe—the most important, in many respects, and, following the suggestions of true commercial wisdom, combined with the fertility of their land and the valuable productions which Nature has scattered over it, we may still expect to see the Portuguese send forth from their favoured ports, such a tide of commerce, as will retrieve their circumstances and lay the foundation of future opulence and strength. The energies and talents of one man altered the aspect of his country, during the last century, and there is no reason why the combined efforts of others cannot do the same in the course of the one in which we are fast advancing.

There is still one point to which it may be proper to advert, before I close my remarks on our Commerce with Portugal. Many persons think that we give to that country unrequited preferences. Some imagine that, in the admission of her wines, they discover that a great and valuable concession had been made, without any equivalent—they even speak of special favours. Let us see how this matter really stands in fair account. Granting that our exports to Portugal are equal to two millions and a half sterling, and again I remind your Lordship that goods shipped are always undervalued, on reaching their destination, these goods pay 15 per cent.; whereas those of other nations are charged 30. In this item alone, we have therefore a saving, or preference, equal to £375,000., independent of £30,000. more in reduced duties on £200,000. of cod-fish, sent from Newfound-

land.* Here is the contrast. On an average, I will say that we annually import 25,000 pipes of Portugal wines, containing 115 gallons each. The duties hitherto chargeable on them were 4s. 10d., and on the wines of France 7s. 10d., leaving a difference of 2s. 5d., the amount in which Portugal is favoured. On 2,875,000 gallons, the contents of 25,000 pipes, Portugal, compared with France, is thus favoured to the extent of £347,395. 16s.; whilst, at the same time, our revenue gains an enormous sum by these imports; British merchants a profit, out and home, and we besides give employment to 700 ships, including those from Newfoundland, annually navigated by 100,000 seamen, the collective freights of which are not less than £250,000.

Here I pause, to contemplate the extent and value of that trade which we are about to barter away for a feather. I cannot comprehend how it can be deemed expedient for the welfare of this realm, to despoil our manufacturing and shipping interests of so large a share of annual and safe support, for the mere advance in the revenue of a trifling sum, liable to contingencies, and which besides cannot be done without the infliction of a wound that will be difficult to cure. And what, let me ask, is the sum we are likely to gain by the proposed change, as regards Portugal? On all hands I hear it answered, £100,000! And do we forget what a source of revenue Portugal wines were to us, during the late war, when we raised the duties from £28. per pipe

* The importations of cod-fish into Portugal were, for 1816, 349,500 quintals; 1817, 301,359; 1818, 304,550; and 1819, 234,914.

to 55? Besides, if Portugal has no returns to give, she must cease to consume our merchandize. We have often been accused of a wish to reduce the inhabitants of the Peninsula to an agricultural state, so as to bring their commercial intercourse to a passive trade. Why strengthen the grounds of this charge at this peculiar moment? Political economists among the Portuguese, of old, have contended that we encouraged the growth of wines, whilst they were induced to abandon their wheat-fields, in order to render them more dependent upon us for supplies of the first necessities of life. Both charges may be unfounded; but the revival of them will be the natural consequence attendant on our proposed measures; and it must not be forgotten that those very domains now devoted to the shrine of Bacchus, once smiled under the golden harvests of Ceres.

Let us therefore ponder, before we take an inconsiderate step. After all their sufferings—all their sacrifices, the Portuguese may safely appeal to the reason and justice of Great Britain, to decide whether it is fair and right to place the conveniency of one party on a line with the existence of the other. But, if His Majesty's ministers feel inclined to disregard them, at least, it becomes imperative to look at home. It has been thought that if the chariot of free trade could roll on unimpeded, on an even and unbounded plain, and not where mountains of difficulty are constantly presenting formidable obstacles to its progress, treaties of reciprocity would be useless. To us, these great obstacles are, the domestic burdens under which we are weighed down. Remove these, and we could compete in the

open market ; but, until this is done, the loss of any part of our commercial footing must be felt, in proportion to the size of the immediate privation. Wherever we are transplanted in our commerce, our productive capabilities are injured, and by repetition we become exposed to unnatural convulsions in our commercial system.

It therefore becomes our duty, as well as our interest, to preserve, with the utmost vigilance and caution, all those channels of trade, even the smallest, to which we have been accustomed. The benefits derived from them ought to be cherished, as so many restoratives to a suffering population, and not sacrificed to any views of temporary expediency. As agriculture is the foundation, so are manufactures the pillars, and navigation the wings of commerce. Without its controlling and salutary influence, streaming and carrying health and vitality through every part of the system, political disease must inevitably ensue. Its benefits are infinitely more valuable to the community at large, than those arising out of plans of partial retrenchment, to which even it is found necessary to resort, since it is unquestionable that the combined action of labour and commerce opens to us the best sources of wealth.

No one can reflect, without feelings of emotion, on the scenes which the past winter unfolded to our view, when we beheld one part of our population preying on the other. Our weavers attribute their miseries to the superabundant supply, occasioned by machinery ; and other classes, looking at the nation, bleeding and suffering at every pore, equally assure us that the real cause is exhaustion, brought

upon us by excessive production. Want of employment and the consequent privation of the necessities of life, it is again urged, are the causes of that extreme wretchedness which has so frequently ripened into disaffection and crime. The shock indeed has been felt in every interest—in every rank, from the throne to the cottage, and it was the hope of relief that mainly placed your Lordship and your colleagues at the head of public affairs.

Let me then ask, is this the moment to curtail our exports? Is this the season to disoblige our oldest customers? Yet that such will be the effect of what we are doing towards Portugal, I trust, my Lord, it will be in my power to prove; not that I dread the mere equalization of the duties on wines; I rather tremble at the spirit in which that measure is enacted, and our whole conduct towards an injured Ally. My remarks are for the present confined to Portugal; but I consider that country as only a single link of the general chain of our commercial connection, although decidedly one of the most important. To export our manufactures, is to remunerate the productive labour of the country; but those manufactures cannot be consumed where anarchy and civil war prevail.

The great diminution in the exports of our staple commodities, within the last few years, has been really alarming. In 1825, the year ending on the ensuing 5th of January, we exported 344,440,389 yards of cottons; in 1826, 336,459,204, and in 1827, 267,021,683, thus shewing a decrease of upwards of 67 millions of yards in two years! In 1825, we shipped 7,349,977 yards of woollens; in 1826, 7,803,776,

and in 1827, only 4,941,707 ! In 1825, we exported 63,000,000 yards of linens ; in 1826, 52,000,000 and in 1827, 39,000,000 ! In 1827, the revenue, compared with the preceding year, fell short to the amount of £1,242,170 ! The results of the last two years, in reference to Portugal, are still more alarming. In the returns, (page 84) it was seen that, in 1828, our imports from Portugal, were £587,355 and exports £2,581,757 ; but in 1829, the imports were £584,818, whilst the exports fell to £1,764,032 ; and, during the last year ending on the 5th January, 1831, I can assert that the decline has been proportionate, although I cannot state the exact amount.

If, however, besides incurring a loss of trade, we render ourselves liable to the charge of breaking our national faith, by the line of policy which we seem determined to pursue with regard to Portugal, the consequences to be apprehended become infinitely more serious. The discussion of this part of my subject, naturally leads me to take a cursory view of the arguments used, the other night, in the debate on the Commercial Relations with Portugal and the production of papers thereon, as moved for by Lord Viscount Strangford. I am not one of those, My Lord, who think that the main question at issue rests on any interpretation we may now please to give to a particular article of the Methuen Treaty ; or whether this forms an integral part of the one negotiated in 1810. It is not merely whether we have, or not, given notice to Portugal of a sudden determination to alter a rule that has been standing between us, for considerably more than a century, that becomes a topic of consideration. It is not

whether Adam Smith was right, or wrong, in his remarks on the Methuen Treaty; whether this compact has proved injurious, or advantageous to British interests; or whether trade and money seek a level which in the course of time will necessarily be found, that forms any part of the present inquiry. The particular Article of the treaty alluded to, on which so much stress is laid, is not of such portentous import in itself; as at first sight might appear; but it is rendered so by a reference to the times and circumstances of those mutual engagements which it was intended to record, and now deemed of such little value that one party proceeds at once to expunge them, seemingly as if beneath his dignity to state to the other any reasons for his precipitate conduct.

Between all nations, having intercourse with each other, acts of courtesy and good will are due, and much more so are they from us to Portugal. What we are doing in reference to that country, I again insist, will be taken as the evidence of a wish to break our engagements; to injure the Portuguese and insult their institutions; and so anxious must the sovereign of these realms be to have his reputation for good faith not only unsullied; but also unsuspected, that I am confident he will feel the position in which he is placed by inflicting a wound, so foreign to his wishes. What! with so little ceremony, as this, can we break our obligatory ties? Shall pique, or the personal enmities of a few individuals, lead Great Britain to forget the centuries which have rolled on, whilst we were in amity and the closest alliances with a nation that has made the greatest sacrifices for us!

As I have very clearly shewn, in a former part of my Letter, the Methuen Treaty was accepted by Portugal at the express solicitation of Queen Anne ; *pergratum sibi fore*, are the words used in the preamble, and the introduction of our woollen goods into that country was then considered extremely propitious, and as affording a special relief to the manufacturers of this particular denomination of merchandize, “who had frequently implored the assistance of the Legislature, *to support their tottering and declining trade.*” As before noticed, Peter II. not only accepted the proposal, even under the disadvantage of short returns ; but, as seen page 30, also issued a royal edict, actually recommending the use of British Woollens to his subjects ! Through this preference, he in fact destroyed all the woollen manufactures within his own realm, and rendered the inhabitants of Portugal, as well as Brazil, dependent on England for the supplies of an article which, for upwards of twenty years before, they had obtained from their own productive labour !

And is the new wine measure such a requital as a great and magnanimous nation would make for favours and sacrifices, like these ? I recollect, my Lord, a time when we considered the government of the United States as capricious and inattentive to the rules of good breeding, as well as forgetful of the principles of good faith, because Mr. Jefferson refused to ratify a Convention, made with us, actually according to his own wishes—in perfect accordance with his own instructions. What then will not be the feelings of the Portuguese, when they hear of the abrogation of a ratified and solemn treaty, of this

very same description, that has besides been in force for the last 127 years, without even giving them a previous hint of our intentions; nay, at a moment when, possibly by the very last Falmouth packet, we had been demanding of them the strictest observance of all our Treaties, the Methuen one consequently included. I also well remember that, in December, 1826, when the new Treaty with the United States lay for signature, some demonstrations and threats, on the part of the enemy, rendering it evident that the commerce of neutrals would be implicated in a manner not contemplated in the unfinished compact, so scrupulous was our reigning sovereign and so anxious to guard against all imputations, hereafter, that he directed a clear and pointed declaration to be made to the American Commissioners upon the subject, and that declaration bears the signatures of Lords Holland and Auckland. Was not Portugal entitled to a similar compliment, before an old boon, solicited from her, was trampled under foot?

Yes, my Lord, it is at the spirit in which this resolve was taken, that my feelings revolt. Lord Goderich, who, in the late debate, spoke first in explanation, assured the House "that Ministers understood, to the fullest extent, the nature of what they had done—that they had proceeded in conformity with all treaties and no power on earth had any cause of complaint." After contending that no notice was necessary in order to annul the pre-existing engagements, his Lordship emphatically added "that, if England fell back from the stipulation, Portugal was enabled to take her former po-

sition and right herself." This is precipitate work in reference to a treaty that was negotiated *per omnes tempus*; but, I should like to ask the noble Viscount, whether this places Portugal on the ground she stood when Queen Anne solicited the admission of our Woollens, and in return pledged to receive her wines, on that express condition. Where are now the manufactures of Porto Alegre and Cavilham? They are in ruins—whilst the banks of the Douro teem with the luscious juice. Portugal can right herself; truly, but in doing this, she must injure both parties. She can obtain her woollens from the French, who have over and over again offered them to her; nay, pressed her to accept them; but, it unfortunately happens, that the French will not consume her wines. To obtain this very advantage, which we have so generously cast into the lap of France, M. Hyde de Neuville, only three or four years ago, in vain exerted all his skill and ingenuity, as many of his predecessors had done before him. For this he courted Pamplona, who sold his country to Napoleon, and for this he intrigued with him during the famous *Abrilada*, which on another occasion I took the pains to unmask.

Under such circumstances, I do not say treaties; but would not common courtesy—every-day civility, have suggested the propriety of some intimation being given of a measure that could not fail to create a revolution in the commercial concerns of Portugal? The Methuen Treaty forms a prominent feature in that of 1810, although not named, and if it did not become an integral part of it, as is now alleged; or in other words, if, as per Article 26,

“ the stipulations contained in former treaties concerning the admission of the Wines of Portugal, on the one hand, and the Woollen Cloths of Great Britain, on the other, were, for the present, to remain unaltered ;” how did it happen that the duties on our Woollens, by the Methuen rule fixed at 23, were reduced to 15, as soon as the new Treaty came into operation ? This is precisely what the Constitutionalists of 1820 contended for, when they had remonstrances made to our government, as noticed by me, page 94. But if the new interpretation is to prevail, it necessarily must follow, according to the avowals made, that for the last 20 years we have actually been depriving the Portuguese government of a revenue of 8 per cent. on our imported woollens, amounting, in that course of time, to no less than £800,000., of which sum, it is to be hoped, that those who have now quarrelled with Port Wine will command immediate restitution to be made.

Lord Goderich next asked the noble mover “ whether he had ever heard of such a body as the Oporto Wine Company ! It was,” said his Lordship, “ without exception, the most detestable monopoly that ever existed. It was the most injurious and pernicious to Portugal, and at the same time the most destructive to the interests of those countries whose rights it invaded. The government of this country,” added his Lordship, “ had complained of the establishment of that Company, as being flagrantly unjust, and declared that, by allowing it, the government of Portugal had violated all its treaties with this country.” So far the noble Viscount ; and is it possible that, scarcely a month

ago, I should have come to conclusions so totally different ! When penning my remarks on the Oporto Company and its founder, I distinctly declared that I had weighed the matter well, and deduced no other than irresistible inferences. I then fearlessly pledged, in token of my readiness to support my position, even in the face of popular clamour, that I had pursued this inquiry, for years, and examined the question, in all its bearings. I am not apt to deceive myself ; nor should I wish to mislead others. I had not indeed the advantage of a seat in the Council of Trade ; but, upon this subject, I am now more than ever convinced that I had clearer sources of information at command than were within the reach of that Board ; at least, I examined both sides of the question. I once before grappled with a noble Lord, who was a member of that honourable Council, and one of its most useful ones ; but now no more. I found him influenced by the strongest prejudices and labouring under the grossest errors on this head ; but he was thunderstruck when I exhibited to him the reverse of the medal. He could not believe his own eyes when I adduced evidence to shew that the Company, although restricting British subjects in the facilities of purchasing wines, which they had over and over again abused, had produced beneficial results to the consumer, and proved highly advantageous to Portugal.

I have already trespassed so far beyond my proposed limits, that I could not travel over the same ground again, in order to rebut such sweeping charges. My sentiments upon this point are in print, and cannot be altered by mere invective, or asser-

tion ; but it is a curious coincidence that I should have completely anticipated these old imputations, now so eagerly revived ; and if I had any further wish at heart, it would merely be, that what I have thereon briefly stated, may fall under the notice of those persons who feel inclined to indulge in inductions, so hasty and illiberal. I do not stand in awe of inveterate errors ; nor would I respect them the more because I found them deep-rooted among my countrymen. The elucidation of truth is the only legitimate object of historic research, and with this view only I entered upon the subject. I am well aware that we have not yet emerged from the noted era of blind infatuation ; but, on that account, I do not feel timid. This has now become a matter of higher order than mere mercantile interest, and cannot be tried by the considerations of profit and loss. It must therefore be examined in reference to a national right, which Portugal never surrendered ; and if the naked question is fairly propounded, from what I have already seen of its details, I should not fear the award of a disinterested judge, no matter the clime in which he was born.

When, however, a noble Lord roundly asserts " that a foreign nation has violated *all* its treaties with this country," some specific proof, one would have thought, was due to his hearers and the public. Reference at the moment was made to an incident that happened 72 years ago ; how then is it that we have made so many treaties with Portugal since ? The very same nation which the noble Lord now denounces as *Faithless*, was, in the House in which he spoke, only a few years ago, enthusi-

astically hailed as the *Most Faithful* ! Whence these contrarieties ? For my own part, I have not been able to detect the violation of a single treaty, in the case in question, and yet nothing could exceed my patience and my diligence. The infraction of the one made with Cromwell, was invariably alleged by the first Oporto Memorialists ; yet I have scrutinized the Articles to which so much weight is ascribed, and rose from my search unable to discover grounds for any such accusations. As regards the Company having proved "injurious and pernicious to Portugal," unless it is because the people were induced to grow wine, instead of wheat, I really cannot conceive how his Lordship calculates. I have produced figures to shew the contrary, except in the sense above mentioned, and in this certainly his Lordship did not speak ; nor can I but think that data, similar to mine, must be found in the archives of the Board of Trade, if only sought for.

I am indeed aware that there have been many complaints made upon this subject ; much cross language, mixed up with no small portion of idle and empty menace ; but in what has it all ended ? If, during a continued series of 52 years remonstrances, any right had been ascertained—any charge established ; should we not have seen some traces of our success in the Treaty of 1810 ? I have already described the nature of the Oporto Institution ; the circumstances under which it was founded, and, after an attentive perusal of the late debate in the Upper House, I should not wish to recal a single line that I had written ; although I am sensible how difficult it is to make men discriminate who are under the

influence of strong political impressions. - Every country has certain facilities and advantages, peculiar to itself, either natural, or acquired, and these it is the interest of the government to nurse and cherish. This we did, in every thing connected with our manufactures, until a modern policy was introduced, and now it is too late to return to the old practice. In establishing the Oporto Company, the Portuguese did no more than follow the example which we ourselves set them.

In Portugal, I do not hesitate to say, we might all along have done much by negotiation, had we gone the right way to work. Unfortunately, we bullied and threatened. The pride of the Portuguese being roused, they soon discovered that by quitting the ground of right, merely to rely on a supposed consent, resulting from convenience and changing with circumstances, besides humbling themselves, they would be serving our mercantile ends, without any requital ; and hence it no longer became possible to bend their high spirit, or to persuade the government to brook degradation. The same happened with the bullion question, to which also I have before alluded. A law was passed to prevent the exit of precious metals and penalties denounced against the offenders. Instantly we cried out—our rights are invaded—a hue and cry was raised. Unable in this manner to annul the law, our flag was used for smuggling ; but, if we had convinced the Portuguese that it was to their interest to allow the exportation of bullion and diamonds, as merehantable commodities, under a moderate duty, it is well known that the Marquess de Pombal would have embraced the opportunity of advancing the public revenue.

Suddenly, however, the matter assumed its real shape and character. Lord Goderich, after warmly reprobating the oppression and annoyances of the Oporto Company and upbraiding the Portuguese for their neglect of all former complaints, declared "that he was a member of the Board (of Trade it is presumed) when all these circumstances were brought before Government, and its indignation being at length roused, a remonstrance was drawn up and sent to Brazil, setting forth that, unless the British merchants were allowed to buy and sell, where and when they thought proper; without any hindrance, or control, on the part of the Oporto Wine Company, that his Majesty's government had determined to bring into Parliament measures to facilitate the introduction of wines from other countries," &c. This, his Lordship remarked, had reference to what passed in 1813, that is, a year after a Factor's Memorial had been presented, and three subsequent to the signing of the Treaty of 1810.

Lord Althorp's wine measure, it thus turns out, is derived from an old scheme, evidently now revived with a view to punish the Portuguese for their neglect and obstinacy; and, in no other light, do I venture to assert, can they consider it, in the face of these declarations from the mouth of one of His Majesty's ministers. The project, however, bears a date, even anterior to the one above mentioned. Mr. Canning, always an oracle on the affairs of Portugal, and under whose immediate eye the Rio de Janeiro Treaty was negotiated, on the 22nd of July, 1812, when, although no longer in the ministry, he must nevertheless have had the real meaning and

intent of the material clauses fresh in his memory, presenting an Oporto petition, suggested to the House that a heavy duty on Port Wines should be laid, *until the stipulations were performed.*

In those days also, it would seem retaliation was disregarded. Lord Castlereagh however argued "that such a measure might obstruct the negotiations, at the moment actively going on upon these points;" but, it is a curious fact that, during the whole of this discussion, Mr. Baring and Mr. Whitbread were the only speakers who appeared to understand the difficulty. The former suggested "that too strict a performance of such stipulations should not be required, as perhaps it might not be in the power of the Portuguese government to abolish such a monopoly;" adding, "that he understood that the British merchants in Portugal were on the same footing with the Portuguese, and that therefore there was the less reason to complain." Mr. Whitbread, in his usual straight-forward manner, "expressed his astonishment that, in the present state of our relations with Portugal, the British merchant should have any reason to complain against the Portuguese government;" and well he might, if he had taken only a slight glance at the history of our connection.

Endlessly then have these negotiations been going on, even within the present century, upon the very same question boisterously agitated during the last; but, may I be allowed to ask, did they end in any declaration, on the part of the Portuguese government that, according to its interpretation, the Oporto Company was included in the 8th, or 25th Article of

the Rio de Janeiro Treaty? Did the Portuguese ever consent to call it a monopoly? The British public, who are called upon to sacrifice a large portion of their old trade, in order to *punish* the infractors of treaties for their obstinacy and neglect, as long ago insinuated by Mr. Canning and now openly alleged by Lord Goderich, certainly ought to know something upon this subject. Lord Strangford, the other night, speaking in reply, remarked "that he strenuously endeavoured to get rid of the Oporto Wine Company and did not succeed." Doubtless, upon this head, his Lordship received peremptory instructions from Mr. Canning, and I can readily conceive that the position of the noble negotiator must have been painful indeed, if, in his conferences with the Portuguese Commissioners, he was compelled to exhibit the Report of our Board of Trade, above alluded to; or found it necessary to use paragraphs of instructions, at all consonant with the sentiments uttered by Lord Goderich.

We are however told that a new and formidable stand was made, in 1813. The Portuguese government therefore was then assailed upon a point that had been under discussion for 52 years, and what was the result? The moment was most propitious; the Court of Portugal had removed to Rio de Janeiro; the seat of government was established in the New World; the fate of that country where the ashes of the ancestors of the Braganza Family lay, was uncertain; the surviving members had only a distant hope of revisiting it; the Prince Regent himself was a water-drinker, and yet was any disposition shewn to comply with our pretensions? From

the measure just taken, we are led to conclude that the new remonstrances were equally unsuccessful; but, if the matter was deemed of such transcendent importance that the same application was urged, during three successive reigns, would it not have been more advisable to have tried the experiment, in some more judicious manner, on the accession of a fourth monarch? Before the honour and good faith of the country were hazarded, would it not have been better to have taken legal advice on the interpretation, given to our treaties; would it not have been more wise to canvass the matter afresh with the Portuguese; and, above all, would it not have been a more eligible mode to send out a Commission to Oporto, in order to ascertain whether all that we had heard of the Company was true, or false?

What strange anomalies have we witnessed in this country upon this very topic. It was only last year that a motion was made,* tending to the overthrow of the Oporto Company, and, as one of his arguments, the honourable mover observed that "every body knew how long the community of this country had been compelled to injure their health, by the use of a certain repulsive liquor, mixed with brandy and drugs, denominated Port Wine;" and further on he alleged "that 135 pipes, shipped at Guernsey, on reaching the port of London, were multiplied into 2343 pipes. This," he added, "was the work of the wine brewers," and then appealed to the Spectator and Dr. Henderson for a description of them. And

* Mr. Villiers, June 15, 1830.

yet the enlightened member of the House of Commons would have had that Company abolished, which was instituted expressly to prevent adulterations, and to keep these very wine brewers who now resort to Guernsey, out of the waters of the Douro !

The Oporto Company, as already shewn, is a corporate Body, composed of Cultivators, Merchants and Capitalists, created by Charter, with a Board, chosen by ballot and entrusted with fiscal powers, in every thing regarding Port Wines. If its officers, in the exercise of their fiscal duties, give rise to annoyances, let these be compared with those of our own Excise laws, stockings and permits, to which the foreigner, as well as the Englishman, is subjected. Our Excise regulations are onerous in the extreme ; but they are ordained by law and cannot discriminate, or be dispensed with. In an infinitely milder degree, similar rules are enforced at Oporto and have produced the best effect. In Lisbon, no Royal Company exists—there the trade is free, and yet what is the consequence ? Red wines are unknown and the white in disrepute. From 15,000 pipes, the exportation is reduced to 1000 per annum.

The British merchants at Oporto, it must also be remembered, have made their large fortunes since the Company was established ; and subsequent to the year 1758, it was, that they began to build those extensive and splendid structures in which their stocks are deposited. As I before noticed, in their purchases, they enjoy preferences which do not extend to the Portuguese. Unless they wish to monopolize the whole trade and keep it to themselves, their clamours are therefore unfounded. Mr. Pitt

looked more into this matter than any minister ever did before him, and pronounced these Oporto complaints to be the murmurs of interested men. It was he also who laid an extra duty on Spanish red wines, in order that they might not be used to adulterate Port. This he did in the very same spirit that led to the formation of the Oporto Company; and, if some similar means could only be devised to prevent the flagitious practices of the Guernsey and London wine brewers, the health of his Majesty's subjects most assuredly would not be impaired. The revenue would also materially advance, as then real Port would be drank, and not the infusion of drugs to which that name is given.

Notwithstanding my earnest solicitude to contribute all I possibly can to the elucidation of this question, and my full conviction that it is only by inquiries of this kind that loose and general assertions can be brought to issue, it is not in my power to dwell upon it any longer. May I, however, before I quit it altogether, ask permission to make a few remarks upon one passage of the speech delivered by your Lordship, the other evening, in reference to our commercial intercourse with Portugal. Your Lordship, after expressing a confident expectation that this intercourse would not be materially affected by the new measure, is reported to have said "that it was an admitted fact, that our commercial dealings with Portugal had, for some years, been lessening; all in consequence of the pernicious monopoly which the Oporto Company enjoyed, in the teeth of the Methuen Treaty!"

Great God! and is it possible that such a delusion

as this can prevail in the mind of the prime minister of these realms. What your Lordship calls a "monopoly," I have shewn to be an institution, established for the protection of the fruits of an important branch of national agriculture; a just interposition of the law to shield the cultivators on the Douro from abuses which had often blighted their fairest prospects. I have traced this institution to its origin, and distinctly shewn, that our commerce with Portugal has occasionally been affected by the competition of other nations; but, never by such a cause as the one here alleged. I have furnished returns, commencing with a period, six years anterior to the foundation of the Company, continued up to the latest date, and the evidence resulting from them is totally the reverse. I have even proved that the consumption of our manufactures, in Portugal, has advanced, since the separation of Brazil. The abstract, inserted page 84, shews that, from 1817 to 1828, both inclusive, our exports to that country gradually rose from £1,757,984. to £2,581,757.; but, in 1829, declined to £1,764,032., and in a similar proportion I fear, last year, solely on account of the convulsed state of the country. To this cause only is the decline of the two last years to be attributed.

We have, in our Parliamentary History, a case in principle very analogous to the one submitted to the Upper House on the 21st ult., in which your Lordship acted a prominent and brilliant part. In February, 1787, a long and animated debate took place on the Commercial Treaty made with France by Mr. Pitt, who seemed anxious to connect us with

that country, even at the hazard of breaking with Portugal. Mr. Fox, deprecating this line of policy, contended "that the Methuen Treaty was justly a favourite with this country; it had been productive, during the course of near a century, of the most important benefits, and he therefore trusted that before Parliament sanctioned any new engagement that might endanger so sure and tried a source of commercial advantage, they would require from his Majesty's minister the fullest satisfaction upon that essential article." In another stage of the debate, he further added "that the most proper period for treating with Portugal, would have been before the conclusion of the Treaty with France, as it would have manifested a fairness and a decency, on our part to an old Ally, and convinced the world that whilst we were seeking for new friends and new connections, we had no intentions of forfeiting the old."

Mr. Fox in fact foretold the overthrow of the project by the restless ambition of France; but the minister, anticipating the benefits likely to arise from "an intimacy with our neighbour, which, he observed, would not only strongly operate upon every succeeding administration, in both countries; but also strengthen the resources of this country towards carrying on a war, whenever it should become indispensably necessary to engage in one," pressed and triumphantly carried his point. Little did he, in those moments of infatuation, dream that, only two years afterwards, a revolution would break out in France and lead to a war, calculated to call forth all the energies of his own superior mind, the termination of which he did not live to see. Little did

he imagine what sacrifices Portugal would have to make, for a long series of years, in support of her alliance with Great Britain; or the distinguished part she was to take in the events which eventually led to the general peace. On that memorable occasion, your Lordship is reported to have reminded the minister "of the wisdom of that established system of policy, in which France had always been regarded with the most suspicious jealousy, at least, if not as our natural foe." With—*timeo Danaos et dona ferentes*, I believe your Lordship ended your manly speech.

And, are times so much altered? Is the era for a French connection now more propitious, than it was when Mr. Pitt determined upon his hapless and short-lived experiment, which he survived long enough to regret, in the bitterness of heart? However fashionable it might have been, in those days, on one side of the House to court the French, these predilections, at all events, were not accompanied by insults towards Portugal, or menaces to punish her government for its *obstinacy and the violation of treaties*.

I must now leave your Lordship to judge for yourself, whether our commercial relations with Portugal ought to have been endangered; or whether, under existing circumstances, it was advisable thus to devote old and beneficial treaties to popular odium. I have proved this to be one of the great fountains from which the increase of our commerce was derived; and I shall ever contend, that nothing but the utmost exigency could justify such a measure as the one resolved upon, highly censurable in

other respects. It is not only as regards the immediate effects of any precipitate step that his Majesty's ministers were called upon to pause ; but, in my humble opinion, they had also to stand in awe of remote consequences. It is not for me to enter on the question of expediency ; or to inquire how far we should connect ourselves with foreign nations, in any other than the ordinary way ; but, if we are to be the special Protectors and Guardians of Portugal ; if a *casus fœderis* is to arise out of such events as last led a British army to the Tagus ; or if we are to be favoured much beyond others, even to the sacrifice of the natives, in the name of common justice, let the equivalents, if any are required, be properly understood.

Were a dispassionate person to examine our last Treaty and notice the manner in which we now seek to interpret its most important clauses, he would be led to think that we had all along considered the Portuguese as mere instruments for the extension of our commerce. He would thence conclude that it was no sympathy ; no interest in their welfare ; no just desire to maintain the equilibrium of Europe, that induced us to hold out a helping hand to the successive sovereigns who have sat upon the throne of Portugal, when pressed by external dangers. In reviewing our treaties, he would discover inconsiderate concessions, on the one hand, and strong exertions of influence, on the other. He would see that we had wrung from the Portuguese every thing that it was possible for one nation to obtain from another, and that we cannot now ask more, without our na-

tional justice being questioned; or incurring charges, calculated to prejudice us in the eyes of Europe.

No one can look upon the nature and duration of that friendly intercourse that has so long subsisted between Great Britain and Portugal, without being astonished at the state of our political and commercial relations, at the commencement of 1831. It began as early as the year 1294, by an interchange of friendly acts between Edward I. and Deniz, King of Portugal, and in that way continued till the year 1353, when a Treaty of Commerce was negotiated, with our Edward III. for 50 years. In 1373, another Commercial Treaty was made and afterwards one of Friendship and Alliance, both of which were confirmed in 1387. A Treaty of Peace was again concluded between Richard II. and John I. of Portugal, in 1385, and renewed by our Henry in 1387. We entered into a Commercial Treaty in 1403, and again in 1431 and 1442. In the year 1441, a fresh Treaty of Peace was concluded between Richard III. and Alonzo V.; renewed during the following year by Edward IV. when all previous compacts were confirmed. In 1484, all former Treaties were confirmed and renewed, and again in 1489. In this manner was our intercourse kept up and cherished till the year 1642, by various friendly acts, exchanges of civilities, special grants and favours, as well as public instruments; amounting in all, from the year 1294 to the period last mentioned, to 115, including the Goa Convention, in 1635. The whole are recorded in Rymer's *Fœdera* and Dumont. I have a specification of the entire series before me, and nothing

but the apprehension of being too minute, prevented me from inserting it.

In 1642, a Treaty of Peace and Commerce was concluded between Charles I. and John IV.; in 1643, a law passed in Portugal respecting the trial of suits, pending between British subjects; in 1645, King Emanuel granted special privileges to foreign merchants; in 1647, on their behalf, certain articles were exempted from the payment of duties; in 1654, a Treaty was made with Cromwell; in 1656, British subjects were exempted from war-taxes and allowed a Judge Conservator; in 1657, their vessels were placed on a level with Portuguese, as regards port-charges; in 1660, a treaty was made with England by Alonzo VI. confirming those of 1652 and 1654, and for a large armament to be supplied to Portugal; in 1661, a law was passed exempting British subjects from the payment of brokerage and the King's marriage with Catherine of Portugal solemnized; in 1665, Alonzo VI. issued a royal order respecting the payment of dues to the Judge Conservator; in 1667, British subjects were privileged from arrest, unless by order of their Judge Conservator; in 1698, a decree was issued respecting the preference in privileges granted to the British over the natives; in 1699, a royal order was passed not to collect the duty of $4\frac{1}{2}$ per cent. on the property of English, French and Dutch, not naturalized; in 1703, a Treaty of Defensive Alliance was made between England, Portugal and Holland, containing 20 articles; in the same year, an offensive and defensive League was entered into between the Queen of England, the Emperor Leopold, Peter II. of Por-

tugal and the States General, to support the rights of the House of Austria to the throne of Spain, and in this year also the Methuen Treaty was negotiated. In 1704, the royal order for the use of British Woollens, previously alluded to, was published. In this year, Great Britain also guaranteed the Treaty between Portugal and France, and 1715, the one between Portugal and Spain.

In 1716, a Convention was made at Bombay; in 1721, the British entered into an offensive and defensive Alliance in Asia; in the same year, an Act of Parliament was passed regulating the dues payable by British subjects to their Consul in Portugal; in 1763, His Most Faithful Majesty acceded to the Treaty of Peace between England and France; in 1793, a Treaty of Alliance was concluded between Great Britain and Portugal; 1808, a suspension of hostilities agreed upon between Sir Arthur Wellesley and General Keller; in the same year a Convention was entered into between Admiral Cotton and the Russian Admiral; 1809, a Convention made with the Prince Regent of Portugal, for the Loan of £600,000; and finally in 1810, Treaties of Commerce and Alliance were signed at Rio de Janeiro; and in 1815, an arrangement took place for the abolition of the Slave Trade.

No two nations can present so proud a monument of friendly intercourse, as the one established by the transactions just enumerated. To destroy it wantonly, would be to violate our first duties towards Portugal; to cut off one of the remaining sources of her prosperity, at the same time that the experiment must end in a serious injury to ourselves. It would

be a policy, adverse to all the principles of good government—a policy that knows no rule but the supposed convenience of the moment. We say that Portugal has not done enough for us—we demand more. Can we look upon the preceding outline ; can we reflect on the present condition of that country, and not feel satisfied ? Do not our enemies among the Portuguese already loudly reproach us for our selfishness ; do they not openly declare that we curtailed their trade ; drained their country of its wealth ; destroyed their agriculture and manufactures ; involved them in wars, foreign to their interests ; separated Brazil, and eventually reduced them to a state of dependency upon us ? My Lord, these sentiments were long ago re-echoed, from one extreme of the Portuguese monarchy to the other, and heard from the mouths of no party so frequently as the very one it will now be concluded we seek to befriend. What ! have we not warped the constitution of the realm to our own will, and yet ask more ?

After this fresh proof of direct hostility, can Portugal, may I ask, with any thing like confidence, rely either on the forbearance, or the friendship of Great Britain ? After the declarations, heard from the mouths of ministers themselves, can the Portuguese any longer look for sincerity among us ? They hear that the Oporto Company is suddenly made the great topic of complaint ; but, will they not judge that this is rather the pretext, than the motive of a measure, in which, they are warranted to conclude, state expediency has no share ? Will they not consider this new demonstration, on our part, as the

result of a political bias—as symptomatic of the temper of those men who were lately called to power? When they compare these threats with the sentiments, uttered in the last speech from the throne, will they not say that measures are about to be taken, decisive of the fate and fortunes of Portugal; measures, already openly assumed and for reasons unambiguously avowed? Will they not consider this as a foretaste of what they may expect hereafter?

My Lord, if we had wished openly to quarrel with Portugal; if it had been our aim to drive her into further concessions, would it not have been better at once to have passed a Non-Importation Law, as the United States, a few years ago, attempted towards us, rather than resort to so unjust and revolting an expedient? Is it not besides seeking to remove a disorder, by means of a mistaken remedy? Can Great Britain so far forget her dignity and abandon her interests? We are in alliance with Portugal, and we cannot disguise to ourselves, or the world, the principles on which that alliance rests; or the obligations it imposes upon us. Our treaties are still subsisting; on all sides, they are pronounced favourable, and we continue to enjoin their observance. The peace and prosperity of such an ally, as Portugal, one would think, ought to be as dear, as they are advantageous to Great Britain, and, after the experience of the past, we ought to value her friendship more than her tribute.

But, we now accuse Portugal of breaking her treaties with us—could she not with more justice lay that charge at our door? In Art. 1 of Cromwell's

Treaty, it was mutually stipulated "that no rebels, or fugitives, should be received into the dominions of the other; obtain succour, &c. to the injury of the other party." The incident which led to this provision has been already explained, and, in the 19th Article of the same Treaty, it was also covenanted, "that the property and vessels belonging to one party, and captured by rebels and carried into ports of the other, should be forthwith restored." Of both these articles did we avail ourselves at the time the North American provinces asserted their independence, and actually obtained from the Portuguese Government a Declaration, dated July 4, 1776, to the following effect; "It appearing that British America has withdrawn herself from the dominion of the Crown of Great Britain, and is enacting laws under her own particular authority, with a view to resistance, &c.; It is hereby ordained, that in no port of the Portuguese Monarchy shall any vessel be allowed to enter, or receive cargo, coming from any port of the said British North America; but, on the contrary, that all such vessels shall be driven therefrom, in the very act of arriving, and no aid, or assistance, afforded to them," &c. This edict was penned by the Marquess de Pombal, and it was therein further ordained, "that the operation of this royal order should not cease, until the independence of the said provinces had been acknowledged by Great Britain." In doing this, it ought further to be borne in mind that Portugal not only exposed herself to retaliation; but also deprived herself of her usual supplies of flour, for which she had almost become dependent on our Colonies.

During the short interval of peace which followed the first act of the French Revolution, Napoleon determined to punish Portugal for her condescensions towards England. He accordingly compelled Spain to join him, and a French army, under General Leclerc advanced towards Beira; whilst a Spanish division under the Prince of Peace entered on the side of Alemtejo. This attack ended in a Treaty, signed at Bajadoz, on the 6th January, 1801, by which Portugal lost Olivença and, by a subsequent transaction, a large portion of territory in Guiana was also sacrificed. A few years afterwards, another still more alarming crisis threatened our Ally. Napoleon, having triumphed in the North, turned all his views to the South, seemingly resolved to exclude the British from even the remotest corner of the Continent. The partition of Portugal, in a word, had been decreed, and the resolve was soon afterwards consigned to a solemn Treaty. The French ultimatum was presented to the Court of Lisbon, on the 12th August, 1807, by M. Rayneval, and required 1st, that Portugal should instantly shut her ports against the British; 2nd, that she should declare war against England on the 1st September, at furthest, and join her land and sea forces to those of France and Spain; 3rd, that all British subjects should be arrested and their property sequestered, in order to furnish an indemnity for any losses which might arise to the commerce of Portugal; and, in case of refusal, her ports were to be occupied by French troops.

And, My Lord, did the Prince Regent of Portugal comply with these demands, notwithstanding the

army, prepared to enforce them, had already assembled at Bayonne? Did not large convoys of British property subsequently go forth from Lisbon and Oporto, notwithstanding the endeavours of Napoleon's agents? Was a single Englishman molested? Finally, was not Portugal instantly invaded, and the Royal Family obliged to seek an asylum on the other side of the Atlantic?

As an Englishman, I blush, My Lord, to have to call to mind these facts, on an occasion, like the present. Anxious as I am that our country, even in the most trifling transactions, should take a firm and decided stand on principles of the highest order, and that its honour, ever dearer to me than the blood that flows around my heart, may never be implicated in any thing of a doubtful complexion, I am nevertheless unequal to the task of presenting the contrast. I cannot trace our conduct in reference to Brazil; nor would I dwell upon the Oporto and Terceira armaments, carried on at noon day in our ports. I could make every allowance for changes in times and circumstances, if any such are pleaded; I should be the foremost to acknowledge that those sweeping clauses which, without proper and seasonable modifications, confirm treaties, made centuries ago, are so many cobwebs, intended to catch the unwary; nay, that they are the prolific sources of cavil and among equals might lead to quarrels; but, My Lord, of all have we had the full advantage.

The 14th Article of the Treaty of 1810, however, and certainly the date is sufficiently recent, expressly stipulates thus; "It is agreed and covenanted that persons, guilty of High Treason, forgery,

or other offences of a heinous nature, within the dominions of either of the contracting parties, shall not be harboured, nor receive protection," &c. This clause may sound harsh to our ears, in these liberal times, yet it was inserted by Mr. Canning himself and, I have every reason to believe, not until he had submitted the very wording to the Crown Lawyers. And has this stipulation been complied with?

I am not, My Lord, one of those who would counsel a stretch of power, in this, or any other country; nor would I always put too rigid a construction on Treaties, when individuals may be implicated. I shudder at persecution, in every shape, and would be the last to exasperate national animosities. During the prevalence of civil dissensions, I should be sorry to excite a rancorous feeling in the breast of one party; or strengthen the aversion and hostility of the other. I revere that hospitality, as much as any man, which led our ancestors to open their doors to foreign sufferers, seeking an asylum among them, and I sincerely hope our country will ever be the home of the exile—the refuge of the oppressed; but, My Lord, shall we allow it to be made a theatre for the plots and conspiracies against foreign sovereigns, which a faction of avowed revolutionists may be disposed to hatch under the safeguard of our neutrality? Shall men, flying from the penalties of their own offended laws, assemble here to whet their insatiate daggers, and, from among us, publicly denounce their menaces of vengeance and extermination? Are our presses never to cease groaning under the weight of their revolting libels? Are the subjects of foreign Princes to be unceasingly called upon to throw off

their allegiance, by papers, printed among us, pointing out resistance as a duty and submission as a crime? Is it here that the elements of rebellion are to be collected, until they are ready to be hurled against other kingdoms, in peace and amity with us? Is it within our territory that foreign renegades are to arm and fit out their vessels, and thence proceed to execute their subversive and murderous designs? Shall men, distinguished only by their incapacity, disunion and thirst of power; men, without plan, concert, or even a leader, be permitted thus to involve the honour and interests of Great Britain, in their schemes of anarchy and folly?

The situation of Portugal is truly alarming and daily rendered more precarious to our countrymen, residing there, by the toleration of these acts. Enmities are also engendered against us, and the country is besides weakened and kept in continual alarm. Hitherto it was considered our best preventive policy to maintain Portugal in a state of relative sufficiency—to have her bound to us by interest and good will. Such is the spirit which all our treaties breathe. In our last one of Friendship and Alliance, signed at Rio de Janeiro, in 1810, it is set forth that the High Contracting Parties, “being impressed with a due sense of the advantages which the two Crowns have derived from the perfect Harmony and Friendship which have subsisted between them, for four centuries, &c.; have determined, for the mutual benefit of their respective States and Subjects, &c.; that there shall be a perpetual, firm and unalterable Friendship, inviolable Union, &c.; and that they shall constantly employ, as well their

utmost attention, as all those means which Almighty Providence has put in their power, for preserving the public Tranquillity and Security, and maintaining their Common Interests, &c."

And, are we at this moment performing any part of these engagements towards our Ally; or are these professions no other than empty sounds? At first, we might have been deceived—we might have been taken by surprise, when we beheld the anomalous state in which Portugal was left through the death of the late sovereign. We might have been thrown off our guard, being unaware of the manœuvres going on. We were perhaps imperfectly acquainted with the Legislation of the country, or deluded by a continued misrepresentation of facts. New and distinct light has however since been thrown upon the subject; all shadow of doubt removed, and the juggle and the jugglers are already fast sinking under the folly of their undertaking. Three years in fact have elapsed since the difficulty first occurred, and every year has brought some change in the plot—some new feature in the succession of incidents. When, then, shall this question cease to agitate the public mind?

My Lord, do we dispute with the Portuguese their Sovereignty and Independence? Do we refuse to them the administration of their own Laws? One of our brightest ornaments of the Bench,* in elder times, reminded us that "our Ancestors were famous in their generations for wisdom, piety and courage, in forming and preserving a Body of Laws,

* Lord Chancellor Somers; "The Security of Englishmen's Lives."
1681.

to secure themselves and their posterities from slavery and oppression, and to maintain their native freedoms ;" adding, " that this Body of Laws our Ancestors always esteemed the best inheritance they could leave to their posterities, well knowing that these were the sacred fence of their lives, liberties and estates."

And, My Lord, have the Portuguese no Body of Laws of this kind, to which they equally cling and venerate with the same jealous ardour as ourselves? Have they no institutions, associated with the proud remembrance of ancient greatness? We are, I think, too familiar with their history, to deny the fact. In what they have done for their own welfare, have they then passed the limits of those laws; deviated from the spirit of their fundamental institutions; or broken faith with any nation? If the matter is inquired into, the very reverse will appear. It will rather be seen that these national laws and institutions were their guides and luminaries in all they did regarding the late settlement of the Crown. For what are they then to be reproached; or why has not Portugal the same rights as those accorded to other nations?

But the other day, it was agreed that if the Belgians chose even to place a Beauharnois at their head, no one had a right to prevent them. It was universally allowed that all the Allied Powers could wish, was, the Independence of Belgium and that a barrier should be placed against any union with France. These principles were avowed in the Protocols, ushered to the world upon the subject.

Why then are similar rights to be withheld from Portugal? Why is a different policy to be observed

towards her? Is she not equally within the pale of nations? Why is not deference to be paid to the general will, when clearly and distinctly expressed among the Portuguese? Why is the present occupant of their throne unacknowledged? The people tendered to him their homage, as their legitimate sovereign, although their declarations were mingled with alarm at the formidable opposition that awaited them. The government at the time was in the hands of his enemies, and the object of the nation's choice a prisoner in a foreign land. Those who were opposed to the anarchy of 1820; revered their laws, or were determined to resist a foreign yoke, nevertheless persevered, and eventually by the presence of the lawful heir the country acquired new elements of union, strength and tranquillity. Soon the greatest part of the population joined the national standard, and the new sovereign, legally proclaimed, saw himself in a situation to sustain those rights which his birth and the laws of the realm awarded to him.

In this there was no infraction of international laws—no deviation from Treaties, made for the repose of Europe. The impulse then felt among the Portuguese, was the effect of no external excitement—no party spirit mixed up with their resolve—it was rather the natural offspring of their own hearts. They nobly dared, and in applying their laws to a great public emergency, they reconciled their best wishes and natural interests with the peace and safety of their neighbour, and in so doing could not give offence to any nation.

The King of France now openly boasts of having been the great instrument with the other Powers to

obtain the acknowledgment of Belgium, which enabled that country to make choice of a sovereign, even in the face of the pretensions of the King of Holland, supported by treaties. The King of France has further pledged to preserve Belgium from external attack, as well as foreign intervention. He instantly established the relations of friendship and good neighbourhood, and even pledged to shield the Belgians from the scourge of internal agitation.

And, My Lord, is Belgium more intimately bound to France, than we are to Portugal; or does contiguity make so essential a difference? This distinction is by no means conformable to the liberal and enlightened principles on which the public interests of Great Britain have usually been conducted. As regards origin, the United States may be more closely connected with us than Portugal; but not by interest, or treaties, and should we treat their government thus? The Portuguese are not members of the same community, or governed by the same laws, as ourselves; but, on that account, they are not the less entitled to our goodwill and protection, directed always with an impartial hand, conformably to the intent and meaning of the engagements subsisting between us. There is consequently an appeal which reason and justice urge upon our earnest attention, and, in the honourable discharge of our duty, we cannot disregard it. Only a few years ago, our armies witnessed the desolation of their country and their sufferings cannot so soon be forgotten. In the hour of England's danger, among them we found cordial aid and effective co-operation. The steady conduct of the Portuguese,

in moments of peril, cannot then be obliterated from our memories. Having brought Portugal to the state in which she stands, I therefore contend that we are under the moral obligation of consulting her peace, honour and prosperity, as much as any portion of our own empire.

But, My Lord, if we are deaf to these considerations, at least, let us look to the welfare of our countrymen, residing in Portugal, or engaged in commercial pursuits to that country. After the declarations heard in the House of Lords, coupled with our general conduct towards the Portuguese government, will not British residents and merchants stand in dread of retaliation? Hitherto, the sacrifices made by the Portuguese principally affected their commercial interests; but the question now turns on national honour—national sovereignty, and deference and concessions, which the peculiarity of their situation may have rendered endurable, will necessarily end. Roused by the emergency of danger, or wounded in their nation's pride, they may awake and find that they have not only surrendered up the interests of their people; but also the attributes of power. They may in the result discover that our professions have deluded them to their ruin, and that we now leave them a prey to their enemies—the victims of their own credulity.

What, My Lord, shall we enforce our commercial treaties with an independent nation, and at the same time disregard our reiterated pledges and political obligations? Shall we send forth the produce of our manufactures; compel payment, and yet seek to forestal the resources from which that payment is to

be derived? Do we pretend to administer the concerns of other nations, as we would a Colonial monopoly of our own—in mere subserviency to our own advantage? My Lord, the idea is monstrous.

After the measure now resolved upon, what alternative is then left to the Portuguese? We have broken the Methuen Treaty; but it expressly stipulates “that if the deduction, or abatement of customs, as aforesaid, shall in any manner be attempted and prejudiced, it shall be just and lawful for his sacred Royal Majesty of Portugal again to prohibit the Woollen cloths and the rest of the British Woollen manufactures.” The *deduction* and *abatement* have been decreed and consequently this treaty no longer exists. Our determination was even accompanied by contumely and reproaches. Our woollens thus cease to have a preference in Portugal—they will inevitably be placed on a level with those of other nations.

By the 33rd Article of the Treaty of 1810, “the High Contracting Parties reserve to themselves the right of jointly examining and revising the several Articles at the expiration of 15 years, and then proposing, discussing and making such amendments, or additions, as the real interests of their respective subjects may seem to require; it being understood that any stipulation which at the period of the revision of the Treaty shall be objected to, by either of the Contracting Parties, shall be considered as suspended in its operation, until the discussion concerning that stipulation shall be terminated; due notice being previously given to the other contracting party

of the intended suspension of such stipulation, for the purpose of avoiding mutual inconvenience."

The term herein specified has expired, and the amendments and additions required by the interests of Portugal must be obvious. It cannot be expedient for her to receive British merchandize, at 15, when other nations pay 30 per cent. It may therefore be expected that the suspension of Article 15 will be forthwith demanded. Let the Portuguese next encourage their abundant fisheries at home; let them impose protecting duties, and they will stand in no further need of Newfoundland supplies; nay, if their Wines are to be made an endless subject of insult and invective, let them turn their attention to something else. Years ago, and on an occasion equally as memorable as the present one,* speaking of Portugal, Mr. Baring observed "that, as to her Wines, many people in that country were of opinion that she would profit more by rooting up her vineyards and growing wheat, of which she is obliged to import a considerable quantity," and the idea is far from speculative. But the other day, Spain successfully made the experiment and she is now supplying her own Colonies, as well as our markets. As regards privileges and exemptions, the government has only to declare the laws of the land to be in force; to revive the acts of the Cortes of Evora, &c. and all preferences are at an end. We cannot complain. The Portuguese will point to the Act 51 Geo. III. C. 47, S. 9 and say that they proceed on the principle of reciprocity.

* Debate on Mr. Pitt's Commercial Treaty with France, Feb. 12, 1787.

And is this, My Lord, to be the termination of our alliance and commercial connection with Portugal? In a country where the just gains of commerce have presented themselves to our merchants, for centuries, shall we thus throw down the barriers which have hitherto promoted their industry? The impolicy of such a measure cannot be palliated even by inexperience. In 1801, Portugal was compelled to equalize the duties payable on French commodities, and what was the result? Even in those times, when we enjoyed many advantages through our naval ascendancy, our commerce, up to 1809, diminished one [half, as may be seen from the entries and clearances of vessels, page 82 and the exports page 83. During the whole of that period, French trade flourished, as I have already demonstrated. In 1804, the French trading to Portugal, had a balance in their favour of 9,947,000 cruzados; in 1806, of 10,271,000; in 1807, of 7,175,000 and in 1808, of 8,966,000. This trade was suspended only by the war.

The falling off in our Portugal trade, during the two last years, may have filled those who administer the revenue with alarm; indeed, I have every reason to believe that this is really the case. If the safety of the public revenue required such a sacrifice, I should be the first to say let it be made, when no other expedient could be devised and our pre-existing relations with another state were not endangered; but, My Lord, for this very falling off in our trade with Portugal we ourselves are to blame. In periods of alarm, men cannot associate for commercial purposes. The Capitalist withdraws from public view, apprehensive of impending danger, and awaits the

favourable moment when a painful state of suspense shall terminate.

This is precisely the case in Portugal. In a community, so situated, we cannot therefore look for confidence—we cannot expect health and vigour. The government established there evidently is strong enough to withstand all the threats and plots of its enemies; but the people are nevertheless involved in doubts and perplexities. They may, at a future period, dread the preponderance of force; or stand in awe of a policy that wears the aspect of coercion. Under such circumstances, a source of trading enterprise and profit naturally dries up. In times, like these, we must necessarily experience the fluctuations of demand; but, were any reaction to ensue, the consequences would be fearful indeed. Notwithstanding all the efforts of external agitators, the internal peace of the country has not been disturbed. Like a verdant spot on the parched and dreary waste appears more grateful, when contrasted with the surrounding desolation, so does Portugal—nay the whole Peninsula, present itself to our eyes, as we contemplate the convulsions by which other Continental nations are now agitated; but, if that tranquillity is once broken, I venture to predict, our countrymen will be the greatest sufferers.

I shall now close my Letter, extended far beyond my original intentions. I have entered into protracted details which I did not anticipate when I took up my pen; but the importance of the subject increasing as I advanced, and anxious to see an object accomplished, of such moment to the real interests and friendly connection of both nations,

I did not shrink from the task before me. By the link of mutual advantage; by the bond of reciprocal good will, I wish our country to be reunited with an old Ally; but this cannot be done if our pretensions are extravagant, or repugnant to the Laws of Nations. Our political and commercial relations with that Ally, I urgently contend, require an early revision; but, in order to effect our purpose, with any thing like security and cordiality, imaginary fears and groundless prejudices must be dispelled; Portugal must be restored to that rank which she has always held in the scale of nations, and, above all, we must refrain from seeking an ascendancy by an undue interference with those local advantages which the natives possess.

I have the honour to be,

Your Lordship's obedient servant,

WILLIAM WALTON.

London, March 1, 1831.

ERRATUM.

Page 71, line 27, for *Sir Thomas Hammer*, read *Sir Thomas Hanmer*.

PORTUGUESE QUESTION.

By the same Author.

Published by JOHN RICHARDSON, No. 91, and WILSON, 88, Royal Exchange.

Portugal ; or, Who is the lawful Successor to the Throne ?

Narrative of the Political Changes and Events which have recently taken place in the Island of Terceira.

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A Reply to the *Exposé des Droits de Sa Majesté Tres Fidelle, Donna Maria II.*, lately printed in Paris, &c.

A
SECOND LETTER,

ADDRESSED

TO THE RIGHT HONOURABLE

EARL GREY,

&c. &c. &c.

ON

PORTUGUESE AFFAIRS,

BY WILLIAM WALTON.

LONDON :

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A

LETTER, &c.



MY LORD,

LITTLE did I think when I last laid down my pen, that I should so soon have occasion to address a Second Letter to Your Lordship on the same subject ; but, there is something so novel and alarming—so much opposed to that considerate and dignified tone which Great Britain has been accustomed to adopt in her communications with other States, particularly those which do not rank as her equals in either wealth, or power ; something so intemperate, overbearing and improvident in the Note of Mr. R. B. Hoppner, our Acting Consul General in Portugal, and presented to His Most Faithful Majesty's Minister of Foreign Affairs on the 25th of last April ; as well as something so remarkable in its subsequent publication in a London Journal, that upon these points I cannot resist the temptation of submitting to Your Lordship my unbiassed sentiments.

The task of again writing on Portuguese Affairs, I acknowledge, seemed to me appalling, so strong is the infatuation prevailing in the public mind; but I was roused when I reflected that the annals of Portugal have long presented no other than a cheerless picture of anarchy and civil discord, in which the difficulties of the government and the sufferings of individuals claim our warmest sympathy. With some persons I may not receive the credit due for my motives; my zeal may be deemed suspicious, or inconsiderate; but, thank heaven! I am blessed with a spirit too independent to be modeled to any standard, except that of my own conscience, and too firm to be deterred from an honourable and patriotic purpose by the scowls of party. I do not pretend to more sagacity than others, although in interest for the honour and welfare of my country few exceed me. Such, I can safely pledge, is the only motive that induces me again to take up my pen, and I should prefer martyrdom in the cause of truth and justice to the proudest honours any earthly prince could confer, if purchased at the expense of either.

A cause, founded on justice and law, may boldly challenge investigation, and when I a second time presume to address your Lordship upon it, I feel convinced that the cloud by which it is enveloped is not impervious to the rays of truth, and would be wholly dispelled, whenever Your Lordship bestows upon it all the attention to which it is entitled. It would not long resist the efforts of that strong and comprehensive mind, with which Your Lordship is

known to approach matters of the most intricate and difficult nature, and upon this it fortunately happens that Your Lordship's opinion is not publicly implicated.

As regards Portugal, our position is peculiar. With that country we are connected by treaties, of ancient and modern date, founded on acts of reciprocal service, by means of which Portugal was led to believe that she had secured in Great Britain a just and powerful protectress, under every vicissitude, except those which arise out of misconduct; whereas, during her late and most trying difficulties, although unprovoked, she daily complains of having experienced an equivocal intercourse which, in the language of diplomacy only, could be called amity.

Portugal had fondly hoped, in the grateful remembrance of former times and the pleasing sentiment of mutual esteem, to have found some alleviation through our interference, at a moment when party feuds were spreading their influence over a more extended surface. When assailed on all sides and during a protracted contest was seen exhausting her strength and distressing her commerce, she trusted that her oldest Ally would have lent a helping hand; and at the period of an awful crisis, when her national existence was endangered by the unjust and inconsiderate acts of a giddy rival, she confidently anticipated that England would not abandon her; but rather use every friendly effort and never relax till tranquillity and concord were finally restored. Portugal reposed in confidence on an

intimacy, cemented by sacrifices and acts of signal service, for, whatever may be the present state of our relations, there would be no difficulty in proving that the Portuguese have always evinced a due regard for our protection, by an inviolable attachment to our interests; by a punctual observance of existing treaties and an unshaken reliance in our pledges.

A cordial union between Great Britain and Portugal is indicated by the unerring hand of nature and enforced by the dictates of an enlightened policy. So have our most distinguished statesmen thought. Feelings of interest, therefore, combined with habits of ancient friendship, ought to have guarded us from any act that could implicate us in the good opinion of our allies; and if, in the early stages of a contested Succession, we adopted an erroneous line of policy and hastily sided with a rival who was afterwards proved to have no legal claim to the Crown, that honourable protection, the duties of which we had performed for centuries, ought to have inspired us with sentiments of regard towards a people who lately fought with us, side by side, against the common enemy; who then profusely bled at every pore, and even now can turn to their ruined towns and hamlets and say—behold there the proofs of our fidelity! If, in the onset, we were mistaken, or misled, the course of events gave us fair opportunities of evincing something like benevolence for a nation that has always kept its political engagements; and if we were then withheld by delicacy from retracing our steps, or stood in awe of obloquy,

we ought not to have forgotten that there is no disgrace in repairing an error, and that there are situations in which the boldest policy is always the most prudent.

I have long thought that calm and temperate judgment would have dictated to us the necessity, as well as the expediency of putting an end to the perplexing question of Succession, before it assumed so angry and rancorous a character. We were the natural mediator, and yet we seemingly felt afraid of grappling with the real difficulty; or of giving offence by enforcing an act of justice. Looking at our coldness and indifference, one would have thought that we stood aloof as if seeking an opportunity to extricate ourselves from engagements, in which through some untoward event, or improvidence, we had become entangled. It was at our option to have bound Portugal to us by the powerful ties of gratitude, or terror—I regret to say, My Lord, we have made the worst choice, and by so doing brought one party to the brink of destruction and precipitated the other to his ruin.

So indifferent were we to our momentous concerns, or so much absorbed in our own local politics, that we unhappily lost the fruits of our ascendancy with both contending parties. On other occasions, we have shown a readiness to become the champion of an injured nation, preeminently entitled to our esteem, and most assuredly, on the present one, in reality nothing else than a struggle between the Portuguese people and the Brazilian Emperor, in

his private character, it would have been a more pleasing reflection now to have had it in our power to contemplate the rising energies of an old ally, opening on a new era, effacing the ravages of the late war and acquiring strength and reputation, than to look upon Portugal as she now stands. It would have been more consoling—more consistent with our interests and our dignity to have beheld her, protected by the strong arm of Britain from the machinations of external foes, employing the interval of repose in giving stability to her national institutions; in calling forth her dormant resources, and, by uniting all classes under an efficient government, securing to herself the enjoyment of every blessing of which she is susceptible, rather than to see her, as she now is, humbled—outraged and forsaken.

What then withheld the British government from pursuing the path which both interest and honour pointed out? We were not wont to deal so with Portugal, when our efforts were strained to the utmost and the destinies of Europe in our hands. Does then, My Lord, the smaller State find no refuge but in a common cause? After all, we have been biassed by a diplomatic animosity and not a national hatred, and, My Lord, when the stake is great, can the government be considered as separated from the interests of the people? Although ruin was the evident consequence, and in that ruin our countrymen could not fail to be implicated, we seemingly shrunk from the duty of mediation, as if pride or despair, would not allow us to believe that

any new exertions could accomplish what we once attempted in vain. We saw the enemy of Portugal hurried on from error to error—from excess to excess, and obstinately persisting in an unjust pretension, until called to account by his own subjects, and yet we seemed afraid of ruffling his temper! His agents presented to us requisitions of the most preposterous character, demanding aid and succour to enforce claims which they themselves were unable to do, and yet we derived no lessons from their impropriety! These agents thought no expressions too strong and scurrilous to paint the furious passions which rankled in their own breasts, and yet we were not admonished by their intemperance! In their wild and ranting schemes, we saw them spending the monies of others, principally British subjects, and yet abstained from doubting their honour! In a word, we beheld them destroying our commerce; involving us in the odium in which they and their acts were held in Portugal; infringing the laws of our country; implicating our neutrality and abusing the asylum afforded them, and yet remained regardless of the consequences! We saw men of the most profligate morals set themselves up as our instructors, and yet never questioned the soundness of the theories which they recommended for our adoption!

This apathy—this irresolution—this inattention, if not indifference, with which we beheld our political and commercial interests sacrificed; this blindness and want of foresight can be attributed to no other cause than prejudice and the perverted

state of public opinion. I can make some allowances for the errors imbibed by our countrymen, when the question was first started and they saw the line of policy adopted by the popular minister of the day. We were then deceived by the professions of men, anxious to secure our co-operation in plans which they had neither the talent, nor the virtue to realize, for it unfortunately happened that the specious doctrines of reform by which we supposed D. Miguel's opponents to be actuated, were, even at that moment, too flattering to the restless vanity of some men to be heard with indifference.

Individuals, of the most exalted rank and with the best means of information before them, thus acquired a partiality for the interests of his adversary, without stopping to scrutinize the grounds on which their predilection rested. We were struck with the apparent moderation of men who excited our pity, and never once paused to enquire whether this external shew was not the result of artifice. The question of Succession was in this way early judged by a prejudiced tribunal; the voice of truth and justice drowned amidst the clamours of faction, and it even escaped us that Portugal had provident and express laws of her own to regulate a point on which the welfare of every kingdom depends. We seemed to have gone back to those times when, in the unsettled state of the hereditary Succession in Europe, a variety of claimants often entered the lists, to dispute a valuable prize; and, as if forgetting that we were legislating for others who would inevitably impeach our authority, we wished that

our award, even on so delicate and momentous a question, should be final and obligatory.

Party violence prevailed and the rightful heir to the Crown, still absent and detained, through the active malice of his enemies, was supplanted by those who next endeavoured to give the semblance of justice to their act. The scheme, base and unjust as it now appears, was evidently the result of much combination and executed with ability; nor is it any longer dubious that the principal agent, employed to carry it into effect, very soon after John VI.th's death was known in London, obtained a secret assurance of support, as soon as prudence would allow us to declare in favour of one, already considered the preferable candidate. Our statesmen thus proceeded to promulgate a doctrine, hitherto unknown in the settled monarchies of Europe and at all times dangerous, more particularly when the follies and crimes of pretended patriots led them to seek the opportunity of adding another thorn to the pillow of royalty.

Hence arose resentments which, overleaping the bounds of honesty and discretion, spread their baneful influence over the public mind. The apostles of anarchy soon felt the importance of the ground on which they stood, and, determined to retain the ascendancy already gained, they commenced a plan of attack, unequalled in the annals of human depravity. Appealing to the prejudices and sympathies of Englishmen, from forced interpretations of the Portuguese laws they drew erroneous conclusions in

their own favour, which they afterwards defended with enthusiastic effrontery, until at length we actually adopted their feelings and imbibed a national passion, the most wild and romantic that ever warmed the human breast, not knowing whence the flame was derived and without dreaming that we were betraying our own interests. Numerous engines were set to work to keep up the delusion and dexterously managed; expedients the most powerful were adopted; auxiliaries of all kinds enlisted, when gradually those whose immediate object was to deceive us, obtained an influence over the press and the public, as extensive as it was unaccountable.

By artifices like these the minds of Englishmen became so strangely inflamed as to admit the belief of every extravagance that ingenuity could invent, and every thing prepared, the performers in this disgraceful farce, conscious of the weakness of their cause and well convinced that the triumph of reason was incompatible with their own, at once threw off the mask and had recourse to calumnies and falsehoods, as their most efficacious weapons. Party-spirit was encouraged in its wildest excesses, and it really seemed that when the minds of men are once heated by political fervour, they bid adieu to the dictates of common sense, and, delivering themselves up to the intoxicating delirium, disregard even their most obvious interests. Whispers and delations were received with ungenerous avidity; stories, the most vague and improbable, met with implicit credence, if recorded in specious letters, apparently written on the spot; and, when printed in the

leading Journals of the day, they were received as real facts and republished by minor satellites, in order to uphold the imposture, until at length an atrocious and vindictive war was incessantly waged against the national reputation of Portugal; aspersions of the vilest kind were put forth against the Sovereign and every member of his government, and eventually we became puzzled in the solution of a plain and simple question, during the discussion of which every malignant passion, harboured in the human breast, was emulously displayed.

And yet what the Portuguese demanded was no new application of the law of nations; they merely required to be dealt with like other sovereign and independent States. Under every sacrifice, they had for centuries courted the friendship and alliance of Great Britain, as their surest safeguard, and to her confidently appealed for interference and mediation, at a time when the agents of another sovereign stirred up unnatural hostilities against them and their country had become a prey to the intrigues and crimes of contending factions. Unconscious that the cabals of their enemies had so far prevailed, they implored our sympathy in the mingled accents of anguish and alarm, and, in return for the rare instances of fidelity to which they appealed—as an act of justice and as a merited reward for the long and distinguished services rendered to the cause of Europe, they conjured us to maintain inviolate our ancient amity; to divest ourselves of prejudice, and put an end to delusions which were only preparing scenes of future woe.

We turned a deaf ear to these solicitations; the dangers foretold appeared remote, whilst the inferior interests of the moment continued to be viewed through the magnifying medium of passion and caprice. The affairs of Portugal were thus hastily prejudged, and being once entangled, we seemed no longer able to break the spell by which we were bound; or capable of adopting decisive measures in order to terminate a contest that could not fail to embroil a party, so intimately connected with that country as we have always been.

Our late misunderstanding with the Portuguese government, My Lord, evidently arose out of these errors and angry feelings, excited in the onset and allowed to rankle ever since. I consider it as one of the consequences of that unhappy schism which has so long divided the people of Portugal and the lamentable result of measures dictated by the cry of prejudice. By many it is already thought that our national interests have been sacrificed to the personal animosities, or former politics, of one member of the Administration; but, My Lord, if our conduct on inquiry shall appear to have been hasty, or unjust, the responsibility devolves upon Your Lordship. A great change is operating in public opinion; people are tired of this unnatural war and already begin to inquire into its origin. The delusion melts away and even those who followed the opinions of the minister who first involved us in the labyrinth, now say that we cannot have discharged the duty of a true ally; nor can Portugal be safe, until the attainment of uncontested independence is

secured to her. They no longer view the contest as one of personal, or family interest, as they plainly see that Portugal cannot be at peace, unless placed in possession of all those rights and liberties which she enjoyed till that tremendous era of violence and injustice, when consideration for the rights of the weak was banished from Europe.

Was this then the moment to have punished a suffering nation, unconscious of any wrong, with every mark of ignominy which offended justice only could devise? Were our claims so pressing—our minds so much incensed, that we could not wait for the denouement, so fast preparing in Brazil? Was our hatred of the Portuguese people and their sovereign, so great and so urgent, that we could command our feelings no longer? That period of effort and glory—of sacrifices and friendship, when England alone found shelter from the violence of the storm, exhibits a melancholy contrast with the present times, and yet what has Portugal done to deserve this treatment at our hands? Such a change, on our part, would almost indicate an instability of temper which no interests can fix—no ties restrain; nay, it would almost seem that we selected for our quarrel a moment when the distracted state of that country rendered it not less difficult, than dangerous, to enter into the discussion of claims with a power, already prepared to enforce even the smallest of its demands and predetermined to appeal only to terror and constraint—a moment when concession was the only means left to appease the impending storm.

One would have thought that applications of this kind, unless in extreme cases indeed, were too repugnant to the general interests of civilized society, to be countenanced by any people whose actions are regulated by a sense of justice, and as the measure just adopted by government has spread consternation throughout Portugal, I feel myself more imperiously called upon to examine the separate grounds on which it rests.

After this frank and candid avowal of my object and motives, I shall proceed to examine Mr. Hoppner's Ultimatum, which opens with the following preamble and contains ten specific demands.

"The undersigned, His Britannic Majesty's Acting Consul-General in Portugal, has received the instructions of his Government to state to his Excellency the Viscount de Santarem, that His Majesty's Government having taken into their serious consideration all the recent insults which the Portuguese government have offered to the British nation—the outrages which they have committed upon the persons and property of British subjects—and the violation of which they have been guilty of the treaties subsisting between the two countries—have directed the undersigned to make to the Portuguese government, through his Excellency, a peremptory demand for immediate and full redress of the same.

"Many of the grounds of complaint advanced by His Majesty's government are of recent occurrence; whilst others, comprising the repeated, and till now neglected, demand of compensation for the injuries inflicted upon British commerce, as well by the unjust seizure of British vessels as by the non-observance, on the part of the Portuguese government, of the stipulations of the treaties existing between the two countries, have been the subject of much correspondence between his Excellency and the undersigned. Having so often remonstrated against these infractions of solemn treaties—having so repeatedly and, until recently, in vain called upon the Portuguese government for the compensation to which His Majesty's subjects are entitled, for the injuries they have received at their hands, the undersigned deems it

unnecessary at the present moment to do more than to recal his Excellency's attention to the various notes which his predecessor and himself have had the honour to address to his Excellency upon these subjects, setting forth and substantiating the various grievances they complained of, appealing to the several articles of the treaties upon which they founded their complaints, and warning his Excellency of the probable consequences of any further disregard of them.

" By the note which the undersigned had the honour to receive from his Excellency the Viscount de Santarem, under date of the 23rd inst., a promise is held out that the compensation so long since acknowledged by the Portuguese government to be due to the owners of the British vessels, unjustly captured by their squadron off Terceira, should at length be paid, and, in addition to this tardy act of justice, that also due by the dismissal of the Captain of the Diana should be performed. These two points being removed, the undersigned flatters himself that the Portuguese government, seeing the justice of the other demands advanced by that of his Britannic Majesty, will not hesitate in acceding to the same.

" He is commanded, nevertheless, explicitly to state to his Excellency the Viscount de Santarem, that they, none of them, admit of the slightest negotiation or modification, and to require a categorical affirmative, or negative to them within ten days, at the same time repeating to his Excellency that His Majesty's government cannot permit the rights and privileges of His Majesty's subjects to be violated with impunity, nor the honour of the British flag to be insulted without atonement."

Here " a peremptory demand of immediate and full redress is made for all the recent insults offered by the Portuguese government to the British nation—for the outrages committed upon the persons and property of British subjects, and the violations of which they have been guilty of the Treaties subsisting between the two countries." This is a most grievous and appalling charge; but whether it can, by any ingenuity of argument, be proved that the Portuguese government, either recently, or at any former period, intentionally and by act, or deed, offered

any insult to the British nation, is a point which I must leave for future consideration and one on which the reader must satisfy his own conscience, when the whole case is fairly before him. That a Captain, or Commodore, commanding a squadron under the Portuguese flag and cruising before a blockaded island, captured and sent into port for adjudication several British vessels, and treated some of the persons on board in a most unwarrantable—in some respects, unfeeling, manner, is unquestionable; and that the government under whose flag these seizures were made and these acts committed is bound to make reparation for all injuries sustained, as soon as they are properly established, is also a necessary consequence.

The Captain of the *Diana* in all this might have been unjustifiable and deserving of the severest reprehension; but no blame can be justly imputed to the Portuguese government, unless he proceeded according to specific orders, or his acts were approved of by the constituted authorities. The captured vessels, it is said, were first taken to St. Michael's and there released by the ordinary courts. The officer's obstinacy in sending them to Lisbon, therefore, could only arise out of madness, a gross delusion, or personal pique; in which case it cannot be said—it cannot be presumed, that the King of Portugal, or his Ministers, wished to uphold him, as after a preliminary investigation and some remonstrances, he was dismissed from the command of his ship and the detained vessels eventually restored.

The question of indemnity and the further dismissal of the officer from the service therefore only remained to be settled, and our Consul himself, in the preamble above inserted, confesses that, under date of the 23rd, that is, two days before his Ultimatum was presented, "a promise had been held out (it would have been more candid and more decorous to have said *given*) that the compensation so long since acknowledged by the Portuguese government as due to the owners of the British vessels, unjustly captured by their squadron off Terceira, should at length be paid, and in addition to this tardy act of justice, that also due by the dismissal of the Captain of the *Diana* (*from the service*, in justice it ought to have been added) should be performed."

These two difficulties, by far the most formidable in the list of alleged grievances, the complainant himself thus acknowledges had been "*removed*;" and he further "flatters himself that the Portuguese government, seeing the justice of the other demands advanced by that of His Britannic Majesty, will not hesitate in acceding to the same."

So far then amicable negotiations and a sense of justice, as regarded the two most essential points, had obtained from the Portuguese authorities the reparation and satisfaction required. The process might have been *tardy*; delays might have occurred; some squeamishness, or embarrassments, of which the Portuguese government only could be a proper judge, might have added to the perplexity; but, is it just, or charitable, to attribute incidental

occurrences, which I neither seek to palliate, nor explain, to any wish on the part of the Portuguese government "*to insult the British nation—to commit outrages upon the persons and property of British subjects, or violate the treaties subsisting between us?*"

Blockades and maritime wars have always been a source of annoyance to neutrals, and, in the character of belligerents, no nation has had so expensive an experience of this fact as ourselves. At the very commencement of the great European war, even in Washington's time, bitter complaints were instituted by the United States of "their vessels being detained on groundless pretexts and experiencing many other hardships," when an explanatory note was addressed by Lord Grenville to Mr. Jay, the American minister, dated August 1, 1794, stating "that it was His Britannic Majesty's wish that the most complete and impartial justice should be done to the sufferers;" adding, "that a naval war must unavoidably be productive of some inconvenience to the commerce of neutral nations, and that no care could prevent some irregularities; but that the fullest opportunity should be given to all to prefer their complaints and to obtain redress and compensation where due."

Could more than this, My Lord, be exacted from the King of Portugal? The subsequent events of the war furnished cases of great disorder which kept us in endless broils with the United States. To these I need not refer; nor is it necessary to mention the tedious and expensive delays incidental to our pro-

ceedings, in cases of compensation. Under peculiar situations, belligerents are unquestionably authorized to make captures, and, according to the maritime laws of nations, there is also an established mode of determination whether such captures are lawful prizes, or not. Appeal is allowed, and yet the Portuguese government dispensed with this formality, notwithstanding the Captain's obstinacy; took the responsibility upon itself and ordered restitution; thus clearly condemning the act of the captors, although, in one instance, at least, there was some plea for detention, and it must not be forgotten that we had formally acknowledged the blockade of Terceira.

When My Lords Holland and Auckland, in December, 1806, as Plenipotentiaries for the signature of the new Treaty with the United States, gave to the Commissioners of the latter their memorable explanation of the peculiar situation in which His Britannic Majesty was placed by Buonaparte's Berlin Decree, they declared that in "these orders the French government sought to justify, or palliate, its own unjust pretensions, by imputing to Great Britain principles which she never professed and practices which never existed;" adding that "His Majesty is accused of a systematic and general disregard of the law of nations, recognized by civilized States, and more particularly of an unwarrantable extension of the right of blockade."

And, My Lord, in reference to what happened before Terceira, do we pretend to raise a charge of

this kind against Portugal? Can we accuse her of any wish to alter the practice of maritime war among civilized nations; or to subvert the rights and independence of neutral powers? Has she started any new belligerent pretensions, or has she demanded our acquiescence in any injurious encroachments on our interests?

The cases in question I think will appear to have been mere ordinary captures, and the injuries inflicted such as a court of justice can redress; as to irregularities, acknowledged to be unavoidable even in our own navy, it will not be denied that we have sometimes had to lament the misconduct of officers wearing our own uniform, and for examples it would not be necessary to travel to the East Indies.

The dreadful situation to which the Prince Regent of Portugal was reduced, in 1806, through the hostilities of the French and their wish to drive our merchants from his dominions, cannot be forgotten. A number of Portuguese vessels were then brought into our ports, notwithstanding the local authorities were exerting every means and running great risks, in order to preserve British subjects and their property from harm. Acts of wanton outrage were committed on board of several of them, particularly one, called the *Hercules*, in which a Portuguese lady and a passenger was ill-treated, under circumstances of the most revolting atrocity. An investigation was instituted and afterwards quashed; nevertheless, the Portuguese were just and liberal enough to impute the blame of these irregularities to the immediate

perpetrators and wholly exculpated the government, to whom doubtless they were a subject of the deepest regret.

By an order in Council, dated November 26, 1806, these vessels were restored; but, in some instances, besides heavy expences, restitution was not effected till three years afterwards, when several of the cargoes had been spoiled, or sacrificed at auction. I mention this case, which gave rise to several subsequent Orders in Council, one of which is dated as late as May 4th, 1808, merely to shew that irregularities and delays happen in the best regulated countries, whereby the sufferers are exposed to inevitable losses and inconvenience.

The *Diana* frigate reached Lisbon on the 7th of August, 1830, accompanied by five merchant vessels, four British and one American. The British were, the *Amelia*, captured on the 21st, and *Velocity* carried into St. Michael's on the 29th June; the *St. Helena*, taken on the 9th and the *Margaret* on the 10th July. They were released about the end of the same month of August and the total indemnity agreed to on the 23rd of last April. The vessels consequently were not detained two months and a half, and the indemnity stood over ten. Quicker redress could scarcely be expected in a country situated as Portugal was during the whole interval, as it cannot be denied that the government was greatly perplexed and unable to do all it could have wished.

"First Demand.—In obedience to the instructions which he has received, the undersigned, in the name of His Britannic Majesty's Government, hereby demands of that of Portugal the immediate and public dismissal of the Captain of the *Diana* frigate from the Portuguese service, the same to be announced in the Lisbon Gazette, accompanied by a statement that he has been disgraced in consequence of the insult offered by him to the British nation, by his unmanly and unofficer-like conduct towards Lieutenant Warren, who commanded the *St. Helena* packet, illegally detained by him, and the cruelty with which he treated the invalided officers and seamen who were passengers in that vessel."

It has already been stated that the Captain of the *Diana* was dismissed from his command, soon after he reached Lisbon, and this most probably he deserved; nevertheless, when punishment is inflicted, even on the meanest and most worthless, some legal forms are required. Would it not have been more decorous to have demanded a court martial, to establish the charges preferred against him? Were we alone to be satisfied? Were his shipmates—his countrymen, not entitled to some explanations of an act which could not fail to appear to them as arising out of the interference of a foreign government? Was no reason to be alleged for setting aside the regulations of their own Naval Code?

As it was, I believe he was never heard in his own defence, or in palliation of his conduct. Such a proceeding as this, My Lord, is not congenial to the feelings of an Englishman, no matter the clime in which it happens. The demand of punishment amounts to the conviction and attainder of the offence, charged in the indictment, or act of accusation; but here even a summary process is not allowed, and the culprit, arraigned at the bar of

public opinion, prevented from offering the slightest explanations. His fortune, if he possessed any, would be held liable to the damages which he had occasioned ; but, My Lord, I appeal to your own feelings, under such circumstances, will his countrymen think that justice has been done him ?

What pleas he had to allege for his conduct I know not. I judge the case as it stands before me and according to the same principles as we observe in our own navy and army. Homewardbound vessels often make one of the Azores, to take a fresh departure, or procure provisions ; but I know not the limits in which any one of those detained off Terceira were found. Some of them do not appear to have presented grounds of suspicion ; but upon this point I cannot offer an opinion. "The schooner, St. Helena, Harrison," according to Lloyd's List of June 15, 1830, "sailed from St. Helena on the 31st March for Sierra Leone and England, and in Lat. 2 N. Long. 10 was boarded by a piratical Schooner, the crew of which killed the master, mate and eleven of her men, and plundered her of a large quantity of gold and silver currency of the island. They cut away the masts and otherwise disabled her ; but she was carried into Sierra Leone by part of the crew who had concealed themselves." There she was repaired, fitted out and sent to Europe, and as it is presumable her papers were lost, most probably, at the time of her detention, she sailed under a sea-letter, or some other unusual proof of nationality, unintelligible to the captors. Among the Colonial coin found on board was a quantity of copper which the pirates

left, and actually in her hold when she reached Lisbon. I have it from unquestionable, nay, I will say the best English authority, that part of this copper coin, certainly unlike any thing we have in Europe, was taken ashore by some of the Portuguese officers and men who represented it as coin of the pirates. Some strange delusion must therefore have prevailed respecting this unlucky vessel, which, I regret to say, I have not the means of elucidating.

She certainly bore about her external evidence that the people on board could have no wish to break a blockade, of the very existence of which, as they came from a distant quarter of the globe, they were most probably ignorant. What altercations led to the ill-treatment complained of; what was the precise nature of "the unmanly and unofficer-like conduct," or "the cruelty used towards the invalided officers and seamen," I am not prepared to state; nor would it be of any use to inquire whether the irregularities and disorders alluded to arose out of any consciousness of power, resentment, or inhumanity, as I do not pretend to palliate the acts, or defend the perpetrator. He must evidently have been hurried on by his passions, or impelled by some powerful principle, difficult to comprehend; but the main question is, how shall the amount of atonement be measured and how shall the punishment fall only on the guilty.

Whatever may be the degree of injury sustained, resentment is excited in proportion as the act was more, or less, deliberate and intentional. If the

injury proceeds from ignorance, misconception, or even a sudden ebullition of passion, indignation is not so keenly excited, as when it springs from preconcerted malice. However unfortunate the Captain's last cruize might have been ; notwithstanding his vigilance and his efforts in blockading Terceira were often defeated by light vessels under the British flag ; or however much he felt the indignities continually cast upon his sovereign in England, it is scarcely possible that a Portuguese officer should have wished to *insult the British nation*, in the person of Lieutenant Warren and the invalided passengers of the *St. Helena*. If such a conclusion were warranted, it would equally follow that an insult was intended against the United States !

The proper end of resentment between nations, as well as individuals, is the prevention of injuries. The dread of retaliation serves as a check to injustice, and leads men to know that it is their interest and their duty to be just ; but it is very difficult to determine what is the suitable and adequate punishment of an injury, particularly when its extent is not clearly established. Stripping a Commodore of the command of several vessels, including his own, without a trial and on the mere demand of a complainant, is in itself a punishment of no light nature. The dismissal of a commanding officer from the service, which often includes the labours of a long life, blots out the recollection of wounds, received in his country's cause, and separates him from his former associates, has usually been rated as a punishment, fully commensurate to every offence, except

murder; how then was it that two separate dismissals did not suffice? Why was it deemed necessary to have the proof of ignominy inserted in the Lisbon Gazette, a thing unusual in Portugal, until after legal conviction? If aggravation of punishment was required, why was it not rather asked that the last dismissal should be read to the Portuguese fleet, where it was intended to operate as an example? Demand No. 1 was however complied with in every tittle, and a notice inserted in the Lisbon Gazette to the following effect;

DEPARTMENT OF MARINE.

“Francisco Ignacio de Miranda Everard, Commodore in my Royal Navy, having, while he commanded the Diana frigate in the blockade of Terceira, improperly captured the St. Helena English packet, which had on board, to convey to England, invalid soldiers of the British army and the mails with despatches for the Colonial Office; having besides, acted with violence to Captain Warren and the crew of the said packet; and I desiring in consequence of these facts to give to his Britannic Majesty a proof how disagreeable they were to me, and the ample satisfaction which they require; and desiring, further, to act as was done in England towards the Captain of the English brig of war the Vigilant, who was dismissed from his post, I think fit to dismiss from my service the said Commodore.

“Signed by his Majesty.”

“Palace of Queluz, 23d of April 1831”

Why then was this not deemed sufficiently satisfactory? Why was the insertion of a second and amended notice, in these words, insisted upon?

“Translation of the Amended Article in the Lisbon Gazette of the 3d of May, dismissing Captain Everard from the Portuguese Navy.

“Office of the Minister of Marine and Colonial Affairs.

“Having been pleased to dismiss from my Royal Service Francisco

Ignacio de Miranda Everard, 'Chef de Division' of my Royal Navy, as a satisfaction to His Britannic Majesty for the conduct of that individual, in having, while commanding the frigate Diana and during the blockade of Terceira, captured the English packet St. Helena, which was conveying to England invalided soldiers of the British army and mails with despatches for the Minister of the Colonies, and also for having acted in a violent manner towards Captain Warren and the crew of that packet, I am pleased to command that it shall be thus understood and the proper registry made of the same.

"The Council of Marine shall thus understand it, and cause it to be executed by issuing the necessary order.

"Palace of Queluz, May 3, 1831."

[Signed by His Majesty's Rubric.]

Where does the essential difference in the two notifications lie? The first states that the Captain of the Diana was dismissed, "because His Most Faithful Majesty desired to give to His Britannic Majesty *a proof how disagreeable the capture* of the St. Helena packet and the violence used to Captain Warren and the crew were to him, as well as the ample satisfaction which they required." Could more than this be expected? Could any thing shew more clearly that the unfortunate incident had excited the greatest displeasure, both in the king and his ministers? The first notice mentions the case of the Captain of the Vigilant, why, I cannot tell; but the dismissal of that officer from his ship was a well-known fact, his misconduct on arriving in the Tagus having endangered the public peace. Prompt satisfaction was certainly given by our Admiralty, and it is presumable that, in the way of remonstrance, this case was pressed upon the attention of the Portuguese government. Why then was the mention of it deemed a fresh motive of offence, if those who worded the notice could not have meant

any? Did we ever before pretend to dictate to any independent sovereign the precise form and terms in which he was to discard one of his own officers? As a remarkable difference in the temper and feeling which prevailed on the two occasions, it ought to be observed that when the King of Portugal learnt the dismissal of the Captain of the *Vigilant*, he made a formal request to have him reinstated, merely expressing a wish that he might never again be sent to the Tagus.

“Second Demand.—The immediate issue of orders, with communication of the same to His Majesty’s Government, for compensation to the owners of the four vessels captured by the Portuguese squadron off Terceira, and restored after the arrival of His Majesty’s frigate *Galatea* at Lisbon; the instantaneous payment to the master and owner of the *Ninus*, of the sum claimed by him as compensation for the damages and injuries inflicted upon him by the same squadron, and also of the sum due for the maintenance of the British seamen arbitrarily landed from the *Diana* frigate in Lisbon, and supported at the expence of the British Consulate, as well as indemnification for the losses sustained by the warrant of the *St. Helena* packet. The claims must be definitively satisfied within one month from the date of the present note.”

The capture of these vessels having been considered unjust and the property restored, compensation to the sufferers necessarily followed, and to this it seems the Portuguese government never objected, although there might be a question as to the amount of damages, or by whom they were to be assessed. The Consul’s demand however enjoins “the *instantaneous* payment to the master and owner of the *Ninus* of the sum claimed by him as compensation,” from which it is presumable that the Portuguese Government were not allowed to object to a single item of

the account furnished. After further insisting on "the *immediate* issue of orders for compensation to the owners of the four vessels captured off Terceira," this requisition concludes thus; "the claims must be definitively satisfied *within one month* from the date of the present note!" With these contradictions, how was this demand to be understood? And, after all, the total amount claimed for damages and injuries, corresponding to five vessels, did not exceed £7000. Sterling! I could mention the case of a single vessel, brought into one of our ports for adjudication and at the end of more than two years released, the expences of which amounted to £20,000!

"Third Demand.—An apology and compensation to Mr. O'Neill, for the insult offered to him on the 10th of February last, by his forcible detention during four hours in the apartment of Messrs. da Costa Soares, and subsequent compulsory conveyance, in an ignominious manner, to the office of the Intendant of Police, with the public dismissal of the Magistrate who directed the same, and especially of the noted José Veríssimo, from any authority, of whatever nature, with which he may be invested, by whose orders Mr. O'Neill was conveyed through the streets like a criminal to the office of the police, notwithstanding his remonstrances and his offer to show his Carta de Privilegios as a British subject."

Mr. O'Neill had long acted as Danish Consul, and it is a query whether, after exercising such a trust, he was entitled to British protection; but if he had really been injured, why did he not claim the interference of the government whose uniform he wore? He has besides always been considered as a Portuguese, notwithstanding his ancestors were of British origin, and he wears the distinctions of that country,

registered only where they were bestowed. I do not stop to inquire whether the Lisbon police-men are better genealogists than our own ; nor do I at all think that the prevailing report of his having covered objectionable correspondence operated on this occasion to his detriment. I take the case as it stands in the demand before me and, as far as I have been able to ascertain, Mr. O'Neill went into the apartment of a foreigner, at the moment in charge of a police-officer, who told him to withdraw and hold no converse with the prisoner. It is added that Mr. O'Neill persisted and, if such is the case, I fearlessly assert that there is not a country in Europe in which, under similar circumstances, he would not have been molested. This occurrence happened on the 10th of February, that is, two days after an extensive conspiracy had been defeated and when arrests and investigations were going on. The foreigner in question is represented as an implicated party, and Mr. O'Neill could not be ignorant of his situation, or unconscious of the effervescence prevailing in the Capital. He must have known that only 48 hours before guilt had stalked boldly forth in the face of day, without even seeking for the shadow of disguise. He must have heard and seen the rockets let off, in various parts of the city on the morning of the 8th, as the signal of revolt and massacre. He could not therefore be unaware of what was passing. Whatever his own political prejudices were, he could not be unmindful of the responsibility which devolved upon the government, and that it was the duty of the sovereign to oppose the turbulence of faction and restrain his subjects within the

bounds of duty, by every means in his power. The nature and extent of the plot, from the fatal effects of which the capital had just been preserved, would not perhaps be well understood among us, unless I were to take a retrospective view of the internal state of Portugal, at the period alluded to—much too long and tedious for my present purpose; but it is very evident that if the conspirators had then succeeded; if the troops had not remained steadfast in their loyalty, Lisbon must have become an extended theatre of plunder and bloodshed; and in moments of general confusion it can scarcely be expected that British subjects would have been spared. I shudder when I reflect on the dreadful consequences which must inevitably have followed a struggle, during the fervour of which it would have been utterly impossible for the government either to check, or control the public indignation, if the sword had been once unsheathed.

Mr. O'Neill's being detained four hours and walked to a police-office in a city, unprovided with a stand of coaches, is not so great an inconvenience, or "*ignominy*," as our countrymen are often exposed to in France and other parts of the continent, by the *gendarmes*, on account of their passports, or the custom-house officers in search of smuggled goods. I believe he made no complaint at the time the occurrence happened. Our Consul however seems to think that the possession of the *Carta de Privilegios* was a sufficient protection in all cases; but when he expects that a common policeman should at once understand its contents and judge

the identity of the bearer, he certainly asks for what would puzzle many a lawyer in Portugal, as well as in England. At all events, I am very confident that, on so light a plea, no British functionary who ever resided in Lisbon, up to Consul Hoppner's time, would have ventured to introduce Mr. O'Neill's name into a series of requisitions, exclusively relating to British interests and tending to a declaration of war. To this demand is appended the following very modest addendum.

“ The dismissal of these individuals must be accompanied by a statement, in the next number of the Lisbon Gazette, of the causes which have given rise to it, and an assurance that they shall not again be employed in any way, or under any pretence.”

And can British interference extend to this? It is only a very few years ago that the case of Mr. Bowring, who, it may be remembered, had been imprisoned in France and dismissed without a trial, was laid before Parliament. The pretext alleged was his having illegally conveyed letters; but it was also understood that he entertained sentiments unfriendly to the Bourbon government, and I here cannot but observe that if such a plea as this had been used in Portugal, our Consul would have had to swell his demands to an enormous size and introduce the names of several others besides Mr. O'Neill. Mr. Canning however did no more than instruct our ambassador in Paris to watch over the case and take care that Mr. Bowring was treated with the most scrupulous justice, *according to the French law*. When called to account, in his place, the minister replied “ that he held it to be an undisputed princi-

ple that an individual who entered voluntarily into a foreign country, at the same time entered into a temporary and qualified allegiance to the laws of that country; that he confined himself to their observance; that he submitted to their operation, and that however unwise the system of law might be in itself—however harsh—however little congruous to his notions of civil liberty, or to his happier experience of the jurisprudence of his own country, he had still no right to complain of the operation of those laws upon himself, provided that operation was not partial, but was the same as it would be in the case of a natural-born subject of that State.” And can Mr. Consul Hoppner subvert this maxim by an exhibition of our *Carta de Privilegios*?

“ Fourth Demand.—The public disavowal and dismissal of the man named Leonardo, who, on the 11th of February, forcibly entered the rope-walk of Mr. Caffary, at Pedrouços, and cruelly ill-treated the foreman of that establishment.

“ A compensation to the amount of 200,000 reis, being 20,000 reis a day for the 10 days of his imprisonment; and the punishment of the soldiers who abetted Leonardo on this occasion. This case to be in a similar manner announced in the Lisbon Gazette.”

Mr. Caffary's foreman was a Portuguese, a circumstance seemingly concealed in this demand. In the grant, made by King Emanuel in 1411 to a German, and afterwards extended to British subjects, “ his factors and servants” were equally privileged and the judges inhibited from interfering “ with any thing belonging to, or destined for, his use.” This was interpreted as a sufficient exemption for servants, being Portuguese, and sometimes used

to protect them from the militia law and other personal service. There are instances of protection of this kind having been asked for as many as six servants, all Portuguese, because there was a precedent of a sovereign having extended the immunity to that number.

In the time of John IV., when the Charter of British privileges was made out, it was declared that "the servants and factors" of the privileged parties should not be "molested, or hurt;" barring always *criminal cases* and under the penalty of 50 cruzados. No special mention is however made of *servants* and *factors* in our last treaty, or in that of Cromwell. If the primitive grants therefore are considered as thereby confirmed, they must stand in their original terms and bear their concessionary meaning, in which case, the privilege of "hiring and riding on beasts of burden, with saddle and bridle, all over the kingdom," would form one item in our Charter, for such is part of Alonzo Vth's grant, made in 1452.

At all events, the legal exceptions affect servants, as well as masters, more especially when the former are Portuguese and owe allegiance to the reigning sovereign. The foreman in question was consequently amenable to his country's laws, nor, in case of necessity, were Mr. Caffary's premises sufficiently privileged to protect him. If altercations, or resistance ensued, the case necessarily became aggravated; but, in the age in which we live, shall the ministers of William IV. demand a sanctuary and in a foreign country for others, not being his sub-

jects, for that is the real tendency of our Consul's fourth requisition !

“ Fifth Demand.—A public apology for the insult offered to Mr. Roberts, with reparation to him for the injury sustained on the occasion of the forcible entry of his house during the night of the 21st March, with the dismissal of the magistrate who was present at, and directed the same. The statement, with the apology and dismissal of the magistrate, to be in like manner made public in the Lisbon Gazette.

This domiciliary visit took place without the usual forms and, as the corresponding notice in the Lisbon Gazette avows, “ contrary to the royal orders which direct that all privileges enjoyed by British subjects should be strictly respected ;” but of the urgent motives which led to this measure I am not a competent judge. Mr. Roberts it seems had two establishments, one in town and the other in the country, and it is a query whether he was known in both. Lisbon was still in a state of great agitation ; the police in search of conspirators, and what denunciations induced the magistrate of the Ribeira district to surmise that one was concealed in Mr. Roberts' country premises, I do not pretend to know. If however sufficient grounds existed for the search ; if the magistrate was unaware that the premises belonged to a British subject, or, even if he knew the fact, as long as his public duty required prompt interference, I do contend, notwithstanding the temporary inconvenience occasioned, that the matter was open to explanations, and did not warrant the peremptory dismissal of the officer and the insertion of an humiliating notice in the Gazette.

King Emanuel's grant, made in 1411, declares thus; "it is our will and pleasure and we command that none of our officers of justice presume to enter into their houses, except the said *Corregidor* (Mayor) or such as shall be sent by him; and no other, under the penalty of 20 cruzados forfeiture to their use, *except the officers of justice are in search of a malefactor*, detected in any flagrant crime, in which case they *may enter into their houses.*" And has this privilege been infringed?

"Sixth Demand—The issue of immediate orders to the Custom-house at Oporto to desist from the illegal demand of excessive duties, levied there upon articles of British manufacture, and the same to the Custom-house in Lisbon, especially with regard to their demand of a duty of 30 per cent. on a cargo of British coals imported in a Swedish vessel."

This is the most extraordinary demand ever penned. The IVth Art. of our Treaty of Commerce and Navigation with Portugal, concluded in 1810, and expressing to be "founded upon the basis of reciprocity and mutual convenience," recites, "that the ships and vessels of the subjects of His Britannic Majesty shall not pay any higher duties and imposts, under whatsoever name they may be designated, or implied, within the dominions of Portugal, than Portuguese do in those of Great Britain;" and Art. V. designates a standard by which British and Portuguese vessels are to be judged. Owing to the comparative lowness of freights, our merchants in Portugal are in the habit of availing themselves of Swedish vessels; but it is evident from both the spirit and tenour of our engagements, that vessels of this class are not entitled to the same privileges

as British, and it is a most remarkable circumstance that our government should now wish to extend our own commercial advantages to others, by main force, in the present suffering state of the British shipping-interest, and after the loud and reiterated complaints made of the interference of foreign flags. This matter, I believe, had undergone due consideration in Lisbon, and the case being new, although clearly provided for by treaty, in order to avoid altercations, the Portuguese government had determined that the foreign vessels already arrived, under the circumstances above mentioned, should pay according to the old rate of duties; but that all others which might hereafter proceed to entry should not be entitled to the same exemption. Instead of complaining, we ought therefore to have thanked them for so proper and provident a resolution, and I feel confident that there is not a ship-owner in England who will not concur in this sentiment.

“Seventh Demand—A compensation to Mr. Hockley for the injury inflicted upon him by the arbitrary and unwarrantable manner in which he was, in the month of March last, conveyed across the Portuguese frontiers of Elvas, and compelled to travel to Seville, being a distance there and back of 80 leagues, in order to procure a Portuguese signature to his passport; with the instantaneous issue of positive and public orders to all magistrates and authorities throughout the country, to prevent the recurrence of any similar treatment of a British subject.”

This is a most exaggerated description of the case. The individual in question crossed the Portuguese frontier with an informal passport, in turbulent times and when the strictest regulations were in force against persons arriving from Spain, and for

this reason he was sent back. This is an every day's occurrence. His having to travel to Seville, to obtain the signature of a Portuguese functionary, if that was the place from which he issued, is consequently an incident, attributable only to his own oversight.

“ Eighth Demand—A severe and public reprimand of the officer who attempted to levy upon Mr. Judah Levy and others of His Majesty's subjects the duty termed *meneo*, notwithstanding he claimed an exemption from it by right of his *Carta de privilegios*.”

In 1717, the Junta of the Three Estates having submitted to John V. “ that the subjects of several different nations disputed the payment of the *meneo*, (a trifling tax upon stock) under pretence that they were privileged by treaties from the payment thereof,” by a royal order, dated May 8th, in the said year, the King established this rule ; “ I was pleased to resolve, on the 28th of last April, that the French and the subjects of other nations ought to pay the tax on stock, which was charged to them according to their trade, and that the subjects of the Catholic King, my good brother and cousin, and those of England and Holland ought to be exempted from this tax ; but, however, such as are naturalized, notwithstanding the privileges of England and Holland, ought to pay the tax on stock, in the same manner as the natives.”

So far the explanatory royal order ; but what is the peculiar predicament of Mr. Judah Levy, I do not pretend to know. Unfortunately, our possession of Gibraltar has given rise to the circumstance of

many foreigners obtaining protections who could never be considered British subjects in England, of which abuse I have more than once had evidence before my own eyes, and it is not therefore to be wondered at that confusion should sometimes arise. The Portuguese officers frequently have no other criterion whereby to judge of the nationality of a man who cannot speak a word of English and is known to be domiciled elsewhere, than a paper shewn to them, of the genuineness of which an inland, or inferior, magistrate, cannot be a proper judge. For the efficient protection of real British subjects, I take upon myself to say that there is no point, connected with our Portuguese relations, which calls for a more diligent investigation than this. At all events, the case complained of is an isolated one, and in an Ultimatum of this kind, which precluded the possibility of a reply, for our national honour, it is to be hoped that it has not been introduced without due caution.

"Ninth Demand—The immediate dismissal of M. Carneiro de Sà from the office of Judge Conservator, with the recognition in that office of Senor João Manoel Oliveira, who has been duly chosen by the British merchants at Oporto."

M. Carneiro de Sà had been regularly appointed Judge Conservator for Oporto and approved of by the King. Subsequently he accepted the commission of solicitor to the Tobacco monopoly, the duties of which might be considered incompatible with those of British Judge Conservator, inasmuch as the officers of the Tobacco Monopoly are authorised to search all vessels, British included, to prevent the entry of

tobacco and soap which, as monopolized articles, they have a right to seize. This might lead to disputes in which British subjects were liable to be implicated, and as there was an apprehension that strict impartiality might not be shewn them, the Oporto merchants proceeded to elect M. Oliveira, in his stead. Their choice was accordingly communicated to the Portuguese government and the King's confirmation solicited. This being an entirely new case, some demur necessarily ensued. A pledge had however, it appears, been given that the wishes of the Oporto merchants should be complied with ; but, being a matter of secondary consideration, at so critical a moment, the final arrangement stood over. Political motives—nay intrigues, might also have contributed to this delay. The Lisbon authorities might have required reports from Oporto which had not arrived—the fear of giving offence to some powerful party might have withheld them—some objection might have been started against the newly-elected officer ; but, whatever the difficulties were, it is acknowledged that a promise of confirmation had been given and never withdrawn. At all events, if the first party was so objectionable as Judge Conservator, the British Consul had only to withhold his pension, after due notice ; the litigious affairs of the Oporto merchants were not so frequent, or so pressing, as to require an immediate successor ; and if they were, the ordinary courts were open to them.

On what grounds then could the British Consul demand the *immediate dismissal* of one Judge and the peremptory *recognition* of another ? How could

a delay, whether unavoidable, or not, be converted into a plea for a declaration of war? Do we pretend to strip the King of Portugal of one of his royal prerogatives? There is not a subject on which among our countrymen, established there, so much delusion prevails as on what are called our *privileged charters*. These charters have been misinterpreted and distorted, in such manner, that they are no longer intelligible. In my first Letter to Your Lordship, I dwelt so long upon this very subject, that I could not now attempt a general review. I shall therefore confine myself to the point more immediately before me, and after briefly stating the merits of the case, leave Your Lordship to form your own opinion of our Consul General's ninth demand.

Our first Treaty with Portugal corresponds to the year 1373, when stipulations of general alliance were exchanged between Edward III. and Ferdinand I. Afterwards the following royal mark of special favour was bestowed upon British residents.

“ Don Ferdinand, King of Portugal, &c. to thee, Fernando Rodrigues, by my authority, Judge in the causes relating to my custom-house of Lisbon, or to any other, who, after thee, shall occupy thy place, health, &c.

“ Know thou that it being my pleasure to favour the English merchants, natives of the kingdom of England and the dominions of the Prince of Wales, I give thee to them for their Judge, in the law-suits they have, or may have, with any persons of my dominions, on account of merchandize bought or sold by them, to, or from, such person, or persons of my dominions.

“ I thee therefore command that thou (or whoever may be in thy place) take cognizance of the law-suits and causes that between the

parties should may happen, either by complaint of the one, on the other, upon account of merchandize, as is above already expressed. And I command that henceforward, no other shall take cognizance of the said law-suits besides thee, the said Fernando Rodrigues, or any other person that by my authority may fill thy place, as Judge of my said Custom House, and thou shalt not do any thing to the contrary, or beyond this my command. In witness whereof, I have commanded this my grant to be given in Lisbon, the 29th day of October, 1450. Written by Stephen Armes for the King, Don Ferdinand. Signed, I THE KING.

Such is the grant exhibited in our *Carta de Privilégios* as the origin of our Conservatorial privilege; but I think the date must be erroneous. Ferdinand, the only Portuguese sovereign of that name, reigned between the years 1367 and 1383, and if I mistake not this royal order was issued somewhere about 1373, when an alliance was formed with our Edward III.; but it is curious that we do not know the precise date of a privilege, the alleged non-observance of which our Consul converted into a plea for a declaration of war! According to this document, it however appears that the office of Judge Conservator was originally held by a particular officer and limited to his successors, for purposes purely commercial.

In 1647, a petition in the name of the British residents was presented to John IV. setting forth that, "being entitled to various privileges, such as bearing arms, by day and by night, and others, the village justices vexed and disturbed them," &c.; but not a single case of serious or intentional ill-treatment was adduced, notwithstanding the long lapse of time to which the petition referred and the confusion which special privileges are liable to create. Whereon a law was passed, embodying all

the privileges, liberties and exemptions, granted by former kings in favour of British subjects, and enjoining thus ; " Let them make use of arms, as expressed in their privileges, and for this end the charters and mandates they petition for shall be granted and drawn out for them, wherein shall be included the articles which speak of arms, and that other Justices cannot enter their houses, without an order from this Conservatory, and all Bailiffs and Constables, or any other officers of justice who shall do any thing to the contrary, shall immediately be notified by the Scrivener of the said Conservatory, that without the approbation of this court, they meddle not with these privileged persons, under the penalty of being suspended from their offices and falling under our displeasure," &c.

This was an enumeration and definition of the indulgences enjoyed by British subjects, made by the first member of the Braganza Family, accompanied by a declaration of their validity. The proclamation addressed to all tribunals and magistrates, commanding the observance thereof, ends thus : " the which let one and all of you so comply with and nothing to the contrary do, lest the penalty of 50 cruzados should be levied upon you and ye fall under the lash of the said privileges," &c. These privileges were confirmed in 1654 in the Treaty concluded with Cromwell, in these words ;

Art. IV. " And as to their buying and selling by the intervention of Brokers, the said people of this Republic shall enjoy and use the same liberties, privileges and exemptions as the Portuguese themselves, nor shall they be treated with more rigour than the same inhabitants and

natives ; and that which is called the ancient Charter and all the privileges and immunities that heretofore have been granted to the English at any time, by all, or any of the Kings of Portugal shall be confirmed by edicts, to the end that the people and natives of the said Republic may enjoy them, together with all other privileges and immunities which are already granted, or shall be granted for the time to come to any nation, kingdom, or republic, in alliance with the said King of Portugal."

Art. XIII. further provides that no officer of justice shall seize, or arrest any of the people of the said Republic, of what rank or condition soever, except in a criminal cause and being taken in the flagrant act, unless he be first empowered in writing by the Judge Conservator," &c. By our Treaty signed at Rio de Janeiro, February 19, 1810, (Art. VII.) it was agreed that, regarding " the privileges to be enjoyed by the subjects of each contracting party, the most perfect *reciprocity* should be observed on both sides ; the dwelling-houses, warehouses, &c. of the British shall be respected ; they shall not be liable to any vexatious visits and searches, &c. ; it is however to be understood that, in the cases of treason, contraband trade and other crimes, for the detection of which provision is made by the law of the land, that law shall be enforced." Art. X. further recites that " the Judge Conservator shall be chosen by the plurality of British subjects residing in, or trading at the port, or place, where the jurisdiction of the Judge Conservator is to be established, and the choice so made shall be transmitted to His Britannic Majesty's Ambassador, or Minister, resident at the Court of Portugal, to be by him laid before His Royal Highness the Prince Regent of Portugal, in order to obtain His Royal Highness'

consent and confirmation, in case of not obtaining which, the parties interested are to proceed to a new election, until the royal approbation of the Prince Regent be obtained."

From these various authorities it therefore clearly appears that there are cases in which our privileges are liable to exceptions; it would in fact be a monstrosity to suppose otherwise. King Emanuel's grant says that "the houses of the privileged persons may be entered, if the officers are in search of a malefactor; Cromwell's treaty excepts criminal cases, and our last specially excludes "those of treason, contraband and other crimes," in all which the *laws of the land are to be enforced*.

Art. IX. speaking of the mutual appointment of Consuls "solely for the purpose of facilitating and assisting in Affairs of Commerce and Navigation," further recites that "they are in all cases, whether civil or criminal, to be entirely amenable to the laws of the country in which they may reside." This necessarily must also be the case with British subjects generally.

"Tenth Demand—A strict and positive engagement, on the part of the Portuguese Government, that the rights and privileges accorded to British subjects in Portugal shall henceforth be duly observed, and that they shall not in future be subjected to any of those molestations which have called forth the displeasure of His Majesty's Government."

The terms of this demand being general, a specific answer would not apply. Its purport will therefore be hereafter noticed.

On what just and equitable plea then can the heavy and extreme penalties, denounced in the several demands of our Consul, rest? From what authorities are they derived? In ordinary cases of trespass, mulcts are awarded, and in aggravated ones, suspension from office is held out *in terrorem*; nevertheless, if any infraction happened, the accused were still to be allowed a hearing. Why then this extreme propensity for cashiering—for forfeitures—for disabilities! Look to the operation of the ten demands above penned, My Lord, and it will be seen that besides cashiering one Commodore, they strip five Judges, or magistrates, of their offices; punish a patrol of twelve men; preclude three functionaries of rank from again serving their country and besides insist on the insertion of five humiliating notices in the Government gazette!

When, My Lord, were the functions of a British Consul used for so sweeping a purpose! An old English resident, writing to me upon this very subject, asks me “whether all these dismissals in Portugal are connected with the English plan of reform!” Cromwell did not demand so much from Portugal through the State Counsellor of Parliament, in 1652, or his Admiral before the Tagus in 1650!

It is a curious fact that, in the Memorials, or Articles of grievances, presented by British residents to Portuguese sovereigns, during a series of years equal to three centuries, I find that the occasional *hindrance from bearing arms* by village magistrates and the *impositions of Scavengers* are almost exclu-

sively the topics of complaint. If cases of personal wrong, or hardship, occurred, as far at least as good tradition goes, they were deemed incidental, or attributed to the temper of the times. I never heard of an act of injustice, or oppression, from the mouth of an Englishman, of a serious nature at least, during the reign of John VI., some parts of which were boisterous and trying enough. The kindness and affability, both when Prince and King, with which he always treated British subjects was indeed proverbial, and for proof of repeated marks of confidence and regard, experienced from him, I could appeal to the ancestors and founders of commercial houses, some of whose successors signed an Address to which I shall hereafter allude.

Through the bounty of successive monarchs and by their own means, our countrymen obtained in Portugal numerous privileges and exemptions, at a time when they were scarcely deemed worthy of protection by the government at home. It would take many pages to record the whole of these acts of grace; many of them have now become ridiculous and preposterous, and, as regards others, we have outlived the ages in which they were bestowed! They nevertheless stand as lasting monuments of the grace and favour in which British subjects were held in Portugal, and the spirit in which they were bestowed cannot now be overlooked by any monarch wielding the British sceptre. Such as they are and with new ones added to them, they were nevertheless confirmed by two principal treaties, the one, as it will be remembered, exacted at the cannon's mouth,

in olden times, and the other negotiated at Rio de Janeiro, when the destinies of Portugal were yet unknown.

Some of our mercantile jurisoconsults tell us that these privileges and exemptions were thus converted into *rights*, firm and immutable, and our new Consul in Portugal seems to be completely of their opinion. I do not impeach this conclusion; nor would I wish an Englishman to be stripped of a single right, if worth retaining, for any consideration on earth; but I should be sorry to see him, or his government, pretend to be the sole judge of the exercise of those rights in a foreign country. There I should consider it strange to hear that our Consuls and our Commodores were the best expounders of the law of the land. Again, I should wish that the mutual obligations, imposed upon us by the confirmation of our privileges in Portugal, were not set at defiance. I should be proud to find the Portuguese experiencing as much liberality from our sovereign, as British subjects ever did from theirs. Justice and reciprocity, I shall always contend, are the only means of rendering a commercial treaty mutually satisfactory, and in forming connections of this kind with other States, we ought not to require from them more than we can give in return. Applying this principle to Portugal, the requital for what is called our *Carta de Privilegios*, will be found very small indeed, and in practice, I believe, nearly comprised in an exemption from the *scavage duty*, levied in the city of London upon all merchant strangers, except Portuguese.

On the 20th December, 1811, a Memorial was presented to the Council of Trade by a number of Portuguese residents here, reciting that, "having previously addressed the accredited minister of their own nation on the subject of the grievances, experienced by them through the want of reciprocity in the observance of the Treaty of 19th February, 1810, the said minister assured them that he had already officially laid before the British government a general and detailed Exposition of all the difficulties, communicated to him from Brazil and Portugal, as well as by the Memorialists, and arising out of the execution of the said Treaty." These Memorialists then proceed to state that "they would have confidently waited the decision of His Majesty's Government, if they were not daily exposed to the recurrence of such hardships as they had at length determined to select as topics of complaint."

The Memorialists then lament the absence of reciprocity, a prominent feature in the wording of the Treaty, but unfortunately never reduced to practice. After referring to Articles 2, 3 and 7, they allege that British subjects, in their extensive trade in Portugal, pay no other duties, or dues, than those required of natives; whereas it is the reverse with them in England. They add that, every three months, they are obliged to renew their licences at the Alien Office and obtain passports, if they travel to any distance, and afterwards enumerate a variety of dues to which foreigners are liable and equally required of them.

The Treaty of 1810, so soon as a year after its exchange, thus became the topic of remonstrances from Brazil, Portugal and the Portuguese residents in London. This could not indeed be otherwise, as long as our relations were not clearly defined and the *Carta de Privilegios* stood independent of Treaties. To favour a few particular merchants, the whole Legislation of Portugal in former times had been overturned, and in their behalf an *imperium in imperio* created, the inconveniences and abuses of which were felt, when those who claimed the extension of these privileges became numerous. Alonzo Vth's grant, dated Evora, March 28, 1452, and now comprised in our *Carta de Privilegios*, was originally in favour of Michael Arman, a German shoemaker. Emanuel's grant of February 7, 1411, and the corner stone of all our privileges, was made for Anthony de Belver and Conrade Telim, subjects of the Emperor Maximilian. An individual Englishman, named Thomas Bostock, made the application to John IV. to have the Charter of British privileges cleared up and defined, in the year 1647, confusion having most probably been introduced through the dominion of the Spanish Philips; and it is a curious circumstance that the mandate to the courts of law, then issued, after ordering the Charter of Privileges to be registered and kept, recites thus; "And in complying therewith, ye shall not hurt, molest, nor vex the said Thomas Bostock, nor his servants nor factors; nor shall ye do, or cause to be done, any act, or acts, as serving writs, warrants, &c. upon him, or his house, except by competent mandate of

the Judge Conservator, &c., under the penalty of 50 cruzados," &c.

On such confused and fragile materials as these, it is, that most of our ancient, and as some persons think, boasted privileges in Portugal rest, whilst several of our more valuable advantages repose only on usage. The facility of holding fixed property, in my opinion one of the most estimable and not extended to Portuguese in England, I strongly suspect rests upon no more substantial grounds than Alonzo Vth's grant, above mentioned, which gives the German therein named the privilege of having "houses, cellars and stables;" and not three years ago a Portuguese forfeited his leasehold premises, in the New Road, because they were in his own name! As our relations at present stand, the principle of reciprocity cannot in fact be observed, and of this Parliament seemed perfectly sensible, when in the Act of Geo. III. C. 47, 8 and 9, purposely passed to give effect to our last Treaty with Portugal, the following explanatory clause was introduced; "Provided always that nothing in this Act shall extend, or be construed to extend, to repeal, or in any wise alter the duties, &c.; or to repeal, or in any wise alter any special privilege, or exemption, to which any person, or persons, bodies politic or corporate, is, or are now entitled by law; but the same shall be continued as heretofore," &c.

The privilege of having a Judge Conservator, besides being a monstrosity, in itself, creates jealousies and continually entangles us with the constituted

authorities. It might have been necessary and deemed a great compliment in the time of the Portuguese Ferdinand, as doubtless it was in Spain, when first granted by Philip IV. conformably to two Cédulas, dated March 19 and Nov. 9, 1645. The privilege was indeed afterwards confirmed to the British merchants, residing in Andalusia, by the 9th, 21st and 28th Articles of our Spanish Treaty, made in 1667, called Lord Sandwich's Treaty, and subsequently by several acts; nevertheless, it was abandoned as totally useless, in the one negotiated in 1713. On inquiry, it turned out that, for several years, the privileged parties had not even appointed a Judge Conservator, and preferred giving an annual *douceur* to the Governor of Cadiz for his special protection. Personal experience leads me to know that an expedient, so indecorous, was not found necessary in Cadiz for an Englishman to obtain justice and protection, in Sir James Duff's time; nor was the absence of a Judge Conservator ever felt during his Consulship, or in the days of his predecessor, Wyndham Beawes. In a country that has long boasted so good a commercial code as the *Ordenanzas de Bilbao*, such a privilege would be preposterous, and will never be missed in Portugal, I venture to say, when we have clear treaties and proper persons to execute them. We have no exemption of this kind in Brazil, a late Colony of Portugal; nor do we ask so monstrous and antiquated a favour in any other country with which our commercial intercourse is properly established. Mr. Canning, himself, amidst his theoretical and confused ideas on Portuguese affairs, seems to have

been very sensible that this privilege would not long stand, when in reference to it he observed, in white and black, "that it could hardly be expected that Portugal would consent to the continuance of an establishment which her offspring had succeeded in *throwing off*."

I will now turn to the answer given by the Board of Trade to the Memorial of the Portuguese Merchants, dated December 20, 1811, as above mentioned, and here, My Lord, I ask particular attention. The said merchants, by special appointment, attended at the Council Office on the ensuing 26th, when the Lord President informed them "that their petition could not be favourably received, as part of the Treaty was yet uncomplied with by the Prince Regent of Portugal, the monopolies of the Wine Company, tobacco and soap, &c., being still retained; further adding, that the Committee had recommended to Government the revocation of the indulgence granted on the 4th January, 1811, which allowed certain Portuguese vessels, foreign built, to be considered as of Portuguese construction, the revocation to take place on the 1st July, 1812, as it accordingly did.

And, My Lord, is this the manner in which the applications of British merchants have been usually treated by the Portuguese authorities? Practical men, I am very confident, would say no. Our diplomatic ascendancy indeed was always too strong and too well directed to be liable to failure, on such occasions. I am well aware that our Navigation Laws

rendered it difficult to admit foreign-built vessels into our ports, although nationalized and under a friendly flag; but, if the Portuguese had revived some old law and insisted on the right of doing the same with regard to us, should we have borne the retaliation, notwithstanding reciprocity is the avowed principle of our treaty?

By the French, as well as by all our other commercial rivals, the Portuguese were always reproached for the tameness and subserviency with which they submitted to the interpretations our government was desirous of putting on such doubts as arose, and I could quote several examples of this condescension, if my limits allowed me. I recollect a *Portaria*, dated October 19, 1812, issued by the Lisbon Regency on the interpretation of the 15th Article of our treaty relating to the valuation of goods, and it was in accordance with the prayer of the British petitioners. Repeated instances of this readiness to give facilities and redress wrongs, as well as of their scrupulosity in the observance of other engagements must be fresh in the memories of British residents.

From the very commencement, it however appears that the Treaty of 1810, in its operation became liable to doubts and difficulties, for the removal of which four British and Portuguese Commissioners assembled and made a report on the 18th December, 1812; but in that report I find no charge of non-compliance with the treaty alleged against the Prince Regent of Portugal. Still the accusation respecting

monopolies must have continued, as a noble Lord, whose experience at the Board of Trade has been extensive, so short a time ago as February 21, 1831, declared in his place "that the government of Portugal had *violated all its engagements with this country*," and his Lordship did not allude to a recent date. Unless in the answer to the petition of the Portuguese merchants, I never heard of the soap and tobacco monopolies being a topic of complaint, and I am therefore warranted in presuming that the Oporto Wine Company was the one really meant. Without entering again into the discussion of this perplexed question, I must refer Your Lordship to my first Letter; but, *en passant*, I cannot refrain from observing that, if this had been a real difficulty, or violation, the time to have redressed it, was, when the Company's Charter was renewed by an *Alvarà*, dated Rio de Janeiro, February 10, 1815; in which the Prince Regent of Portugal declares "that the great benefits having been made known to him which had arisen to the agriculture and national and foreign commerce from the Company of the Vineyards of the Upper Douro, since its institution, and wishing to continue these same benefits to all the aforesaid interested parties, he had thought proper to prolong the duration of the said Company twenty years more, beginning on 1st January, 1817, and ending on the last of December, 1836," &c.

It is singular to see the great difference of opinion that has prevailed between the two governments upon this very point, for nearly a century, and yet we have not had a statesman persevering enough to

bring the matter in dispute to a close. We call the Company a monopoly and allege that it is contrary to treaty, as well as injurious to our interests. The Portuguese say quite the reverse. I have before me a return of the total exports of Port Wine for eight years, viz. from 1795 to 1802, both inclusive, and find that the Company exported only one tenth of the whole quantity, the rest being almost exclusively on British account !

If this matter passed *sub silentio* in our Treaty of 1810, certainly it ought to have been cleared up when the Company's Charter was renewed, in 1815, in terms so very remarkable, which struck at the truth of all we were in the habit of asserting respecting the institution. The Portuguese court was still at Rio de Janeiro. It is said that Mr. Canning then obtained some concession, equivalent to a pledge that, after the expiration of the above period, the Company's Charter *should not be renewed*. On this point, I confess, I am not sufficiently informed to offer an opinion ; but, if such is really the case, would it not amount to an avowal that we had conditionally agreed to the duration of the Company, at least till the end of December, 1836 ? How then for the time being can its continuance be called a *violation of treaty* ?

Bearing the declaration of the noble Lord above alluded to in mind, when I heard of our disagreement with the Portuguese government, I certainly expected to have seen all alleged infractions specifically brought forward ; and I was the more en-

couraged in my expectation when I took up Consul Hoppner's Demands, and noticed that in the preamble he also very undisguisedly accuses the Portuguese authorities "of *violations of which they have been guilty* of the treaties subsisting between the two countries;" but, to my utter astonishment, I saw that infractions of the *Carta de Privilegios* were the chief burden of complaint; some violations of the law of nations are mentioned, and yet not a single Article of any one of our many subsisting treaties is even alluded to!

In the Tenth Demand, he requires "a strict and positive engagement, on the part of the Portuguese Government, that the rights and privileges accorded to British subjects in Portugal shall henceforth be duly observed, and they shall not in future be subjected to any of those molestations which have called forth the displeasure of His Majesty's Government." These molestations, if our Consul wrote without reserve, amount to the detention of a British subject, (granting to Mr. O'Neill that character) for four hours; a search on the premises of another and the arrest of a Portuguese in the rope-walk of a third! These are the only cases I can find in the whole ten Demands, susceptible of being classed under the head of "*molestations*."

And, My Lord, are occurrences, like these, with all the external evidence of not being acts of the superior authority about them, and happening, as they did, when the country was involved in plots and conspiracies; a prey to anarchy and confusion,

nay, the government contending for its very existence ; a sufficient motive of displeasure to a British sovereign, to be used as a plea for forcible redress ! Or, My Lord, does our government guarantee the good conduct of all those who claim its protection abroad ?

During the Portuguese conflict, I regret to say that many of our countrymen, both in Lisbon and Oporto, have acted with extreme imprudence, not to say worse. Some publicly made themselves partisans in the pending struggle ; others covered the correspondence of absentees, transmitted for treasonable purposes ; whilst the letters of several well-known Englishmen and Irishmen, written on the spot, when printed in the London Journals with which they corresponded, excited the keenest horror, on account of their repeated falsehoods and depravity. Some young men were remarkable for their indiscretion and offensive language, in public, and yet, My Lord, not one single individual of these was *molested* by the government, or insulted by the populace, although the finger of reproach was daily pointed at them ! Some of the persons alluded to, and there is rather a long list of them handed about, to the great scandal and annoyance of discreet and respectable British residents, conducted themselves in an infinitely more irregular manner than the Captain of the Vigilant, who, as before noticed, was dismissed by our government from his command when he returned home. And, My Lord, if such was the misconduct of a British naval officer, would it be difficult to conceive that a few dozens of equally

giddy, thoughtless and deluded individuals existed among the residents in Portugal, many of whom are from the sister kingdom ! Could they not have been misled by the wiles and stratagems played off in England, as well as the patronage and support given to D. Miguel's enemies ?

As far as my own impression goes, and I say it after a careful attention paid to the events passing in Portugal, I am really astonished that British subjects, in the course of three years should have experienced so little inconvenience and annoyance, considering the imprudence of some and the criminality of others, and I am confident that every impartial man who inquires into the conduct of several and reflects on the circumstances of the country, will be of the same opinion.

As a remarkable feature in the unfortunate misunderstanding with the Portuguese government, I must mention the address, dated Lisbon, May 4th, signed by 65 British residents and presented to our Consul, Mr. R. B. Hoppner. It is to the following effect :

“ LISBON, MAY 4.

“ SIR— We, the undersigned British residents in this City, impressed with a deep sense of gratitude we owe to his Majesty's Government for the efficacious measures adopted to obtain redress from the Portuguese authorities for the violation of the privileges secured to us by treaties, and for the repeated outrages committed on our persons and property, request you will do us the favour to convey to the foot of the throne, the humble expression of our grateful acknowledgments for his Majesty's prompt and paternal protection.

"Allow us, Sir, also to add the assurances of our conviction that to the strong interest you have evinced in the representations you have made of our critical situation, we are mainly indebted for the adoption of those decisive measures, the result of which we feel confident cannot but ensure to us, in future, that security we have so long felt the want of, and for which we beg to offer you the tribute of our unfeigned thanks.

"We have the honour to be." &c.

Among the signatures, affixed to this paper, there are most assuredly several belonging to firms of the first respectability, the founders of which have constantly received marks of distinguished consideration from the Portuguese government. What solicitations, or what inducements, led them to accuse the Portuguese authorities "of the violation of the privileges secured to them by treaties and of repeated outrages committed on their persons and property," I am at a loss to say; but I am well convinced that, when they reflect upon their act, they will see that they have done wrong. Of the several cases of hardship, mentioned in the Consul's demands, that of Mr. Roberts is certainly the most serious, and yet it did not go beyond a domiciliary visit in critical times. The names of Mr. Roberts and Mr. Caffary nevertheless are not found at the foot of the preceding tribute. How those gentlemen who signed, (and I do not reprint their names) interpret the Charter of British privileges, so as to arrive at the conclusion that they have been violated, in what has happened during the long course of a civil war, I cannot imagine; but, if the "repeated outrages on their property," as by them alleged, refer to the Terceira captures, the only outrages of this class I find specified in the Consular demands, I should dis-

tingtly answer that the owners of those vessels are not British subjects, residing in Portugal.

The remaining part of the address is intended as a personal compliment to the acting Consul General, and whether it is paid at the expence of truth, is the chief matter to be considered. If British subjects were ever placed in "a critical situation," it has been owing to the convulsed state of the country, and yet, till after the February conspiracy, not a single case of temporary molestation is recorded, notwithstanding it had been preceded by similar attempts to overthrow the established government.

On what grounds the gentlemen who were so anxious to pay court to Mr. Hoppner, rest the charge of their having "long felt the want of security;" or how they expect that the Consular demands "would insure to them, in future," the protection they required, I cannot comprehend. A British resident, of more age and experience than any one who signed the address, writing upon this very subject, says, "that the government has really done all in its power for their protection, but there have been moments in which it could not enforce its orders; and hopes and trusts that in England the address of the 4th of May will only be taken as the act of a few British, some of whom have no standing in Portugal, although there are among them signatures of the highest respectability. There is no accounting for people's political propensities," adds the grey-headed resident, "but for my part I am grateful for the bounties our countrymen have

always received from the Portuguese Crown, and if some now unhappily forget themselves, they are only 65 in number, whereas there are 800 British subjects here and 400 more in other parts of the kingdom."

The publication of this address in a paper professing to be the organ of government was at the moment deemed a matter of congratulation by some persons; but I unfeignedly think it will be a subject of the deepest regret to the real residents who signed it, as the groundless charges it contains cannot fail to implicate them deeply in the opinions of the Portuguese people. If the 65 British residents were so inconsiderate and unguarded as to sign and forward such an address, it was infinitely more so to publish it, and so I fear it will turn out. The real friend of his country would wish to see British subjects living on terms of the most perfect amity with the natives, and this cannot be the case, as long as so unjust and personally offensive a declaration is before the world, unexplained. If they had charges to prefer they ought to have specified them; but, it is fervently to be hoped that so injudicious a step will not bring a stigma on the great body of the residents, and that they will not be reproached, or upbraided, for the act of individuals. In this respect the French were more moderate and guarded. They did not even publish their Consular Demands; nor have I heard that their countrymen in Portugal were either so rash or intemperate as to sign an address in compliment to M. Cassas, and if they had, it is not very probable that the French ministers would have ordered it to figure in the columns of the *Moniteur*.

The several demands above enumerated are followed by a threat, couched in these words.

“ The undersigned has further the honour to inform his Excellency, Viscount Santarem, of the arrival off the coast of Portugal of a squadron consisting of six ships of war, which are to be immediately joined by His Majesty's ships Briton and Childers, now in the Tagus. If, during the space of three days from this date, all these several demands are not punctually and strictly complied with, he has received the orders of His Majesty's Government to give notice of this fact to the officer commanding the same, that he may carry into execution the orders with which the Lords of the Admiralty have furnished him, to make reprisals, by detaining and sending to England all vessels bearing the Portuguese flag ; and he is further commanded, in the event of such non-compliance with his demands, to quit Lisbon, and embark on board His Majesty's ship Briton.

“ The undersigned avails himself, &c. &c.

(Signed)

“ R. B. HOPPNER.”

To this threat, it is, that I implore your Lordship's attention. “ If, during the space of three days,” says our Consul, “ all these several demands are not punctually and strictly complied with, a British naval force is *to make reprisals, by detaining and sending to England all vessels bearing the Portuguese flag.*” This notice is more angry and equally as peremptory as the one in which we declared war against France, in 1793. And, My Lord, is Portugal to us, in 1831, what France then was ?

Never did an hostile denunciation breathe more inveterate animosity, and with any other nation, equal to us in power, would it not have involved us in a war—a war that might have been fatal to the peace of Europe ?

War cannot be Your Lordship's policy, or predilection, although now in office. In moving an address for the adoption of the House of Commons, on the 21st of February, 1793, Your Lordship recommended words to this effect; "That with the deepest regret we now find ourselves obliged to relinquish the hope of preserving peace, without any evidence having been produced to satisfy us that His Majesty's ministers have made such efforts, as it was their duty to make, for the preservation of peace. Various grounds of hostility," it was added, "have been stated, but none that appear to us to have constituted such an urgent and imperious case of necessity, as left no room for accommodation and made war inevitable," &c.

Your Lordship's motion was unsuccessful; but no Englishman was ever unmindful of the patriotism and prophetic spirit with which the address was proposed. And, My Lord, in the case in question, have "ministers made such efforts as it was their duty to make;" or, do the various grounds of hostility, as enumerated by our Consul, appear to Your Lordship "to constitute such an urgent and imperious case of necessity, as left no room for accommodation," except at the cannon's mouth! Were there no other means of obtaining redress from Portugal than by humbling her to the dust? I have long admired Your Lordship's principles, as I found them recorded in the public acts of a long life, and conformably to them, I should have expected to see Portugal treated with as much courtesy, justice and consideration, as either France, or the United States;

and in candour let me ask whether to either we should have addressed such an Ultimatum as that on which I am writing? Is the harshness and enmity, which it breathes, at all in accordance with the spirit of our subsisting treaties; or has not experience yet taught us how to estimate our alliance with Portugal, at its just and real value?

If it is generally allowed that inhumanity towards a prostrate foe is not less repugnant to the precepts of religion, than contrary to the dictates of honour, I am well assured that, on mature reflection, such an undue advantage, taken of the weak position of a friend and ally, will not be found consistent with our usual good faith, or conformable to the prevailing sentiments of national dignity. If any question had arisen as to the instrumental means of Great Britain to maintain her honour and assert her rights; if we had experienced any thing like evasion, or studied perfidy; if a treaty had been really violated, or frivolous excuses invented for the purpose of delaying explanations, either in the spirit of duplicity, or in approbation of misconduct, unquestionably we should have been at liberty to demand a reparation, equally as signal as the transgression, and, in that case, even submission would have afforded no exemption from chastisement; but, My Lord, in the whole, or in any one of the Consular demands, is there a single charge of a grievous nature established; is any plea made out that can warrant a denunciation of war, and yet, besides an indemnity, we compel the weaker party to undergo the most humiliating penance!

When demands are founded on reason and justice, and no redress can be had, the injured man reluctantly prepares to assert his claims by the sword; yet he pauses if he thinks those claims cannot bear scrutiny, because there is a tribunal, erected in public opinion, from which neither rank, nor power can be exempt. Again—retaliation often produces a fresh injury, greater than the one it was intended to resent, and so I apprehend it has happened in the Lisbon Affair. A man's reason is sometimes clouded, when passion, or self-love, prevent him from ascertaining whether the wrong of which he complains was deliberate and intentional. On other occasions, the weakness of his conscience, or secret enmity, do not allow him to submit to the decisions of justice. It is however deemed magnanimous to submit to the punishment of injuries, if the award is given by impartial judges; but, when inflicted by those who received the injury, it is apt to exceed due bounds; and it must not be forgotten either by nations, or individuals, that excessive retaliation is as much a legitimate object of resentment as an injury, when unprovoked.

According to these principles let us try our dispute with Portugal.

It is presumable that all we had to allege against her is comprised in the Ultimatum, which, as I before noticed, might have been reduced to a much smaller compass, as the Terceira captures confessedly had been adjusted, except the mere payment of £7000! And is there a civilian, or statesman, in

this, or any other country, who can conscientiously find in its contents grounds for such a species of retaliation as that we proposed to inflict? Look at the ominous warning, My Lord, calmly and dispassionately, and judge for yourself. Rely on no explanatory reports by which it was either accompanied, or preceded. Our Consul, in the very onset, declares that not one of its items "*admitted of the slightest negotiation, or modification ;*" consequently, it was to be understood that non-compliance with any one of them would be taken as a motive for reprisals.

Wrongs of the most inveterate and insulting kind—wrongs, clearly and fully established, could only be redressed in this manner; and yet, in the long catalogue of grievances, can a single one of this description be selected? Were privileges ever before distorted to such an extravagant purpose? Delays had occurred, I am ready to admit; ill-will was engendered; there was a visible coldness—a distrust—a sullenness, on the part of the Portuguese government; but, My Lord, are these just grounds for either war, or humiliation? For this state of feeling in Lisbon there might have been some just cause—for my own part, I think there was; nevertheless, I am very sure that not a single point of difference remained pending between us that was not susceptible of easy adjustment, when properly represented, if it had been possible for any thing like cordiality to exist in the anomalous state of our relations.

It is evident that the Portuguese were piqued at former affronts, and it often happens that offences of this kind are felt more keenly than injuries, of which also our allies thought they had ample reason to complain. Whether our Consul's conduct was conciliating, frank and impartial, even at the period of his landing, is a point which for the honour of our country ought to be cleared up; but, at all events, the haughty supremacy, breathed in every line of his Demands, as if indicating that he regarded passive obedience as the invariable duty of those to whom they were addressed, could not fail to excite the pride of any nation, not entirely lost to a sense of honour. The extreme intemperance of some of his conditions; the pertness—petulance—personality and vindictive spirit of others; the obvious manner in which royal bounties, bestowed upon our favoured ancestors, were ungenerously wielded to serve the ends of pique and malevolence, and a fleet in view ready to confirm the bold defiance, necessarily spread indignation and dismay throughout the capital, and thus compelled the government to accede to terms against which it was doubtless its first duty to protest; the awful predicament in which it was placed having besides been greatly aggravated by the serious aspect which the dispute with France had already assumed. Explanations were no longer possible—the Portuguese felt that their country was the destined object of revenge, and very properly deprecated the horrors of the naval retribution which awaited them.

And, My Lord, was concession like this such a

triumph as a William IV. will rejoice in ; or would he have thought the laurels of our navy increased by the adoption of the other alternative ? As regards myself, and I think and feel in common with my countrymen, I must acknowledge that, when I see Great Britain forget those obligations which prudence and humanity impose upon the powerful, my cheek reddens with shame.

Under the plausible pretext of satisfaction and indemnities, did we not rather seek to drive the Portuguese into a state of despair, by presenting such demands as must have been pronounced inadmissible, even before they were sealed up ? Did not the party to whom they were submitted, think that by their rejection a welcome triumph would be afforded to their enemies—those who would gladly see Portugal in flames, as long as it served their own ends ; nay, more, is there a man of unbiassed judgment and sound understanding, with all the facts and their antecedents before him, who will not say that we courted and provoked a rupture ? Did we in this affair, let me ask, observe those principles of moderation which have usually regulated the deliberations of the British Cabinet ; was there no personal enmity mixed up in the determination which led to our Consular Demands ? Under all circumstances, was this the way to obtain redress, or to procure permanent protection for British subjects ; in a word, did our offended honour require the display of a naval force in the waters of the Tagus ? Would Mr. Hoppner, or any fleet have been sent thither, if a change of administration had not preceded ?

I fear, My Lord, we must seek a more natural solution to this untoward affair in less pure and creditable motives, in which I am at the same time very confident that only few members of His Majesty's Council participated. If the reports which led to the determination of resorting to coercion are in the least analogous to the sentiments breathed in the Ultimatum; if they contained the same ignorance and the same misrepresentations, and their validity was not properly ascertained, the result perhaps could not have been otherwise; but, My Lord, this can never prove that the Portuguese were predetermined not to listen to reasonable propositions; nor does it shew that any injuries alleged by us would have remained unredressed, if they had been founded on justice and urged in a temperate and manly tone.

Burke once observed, "that every idea for the settlement of claims, presupposed some confidence in the good faith of the party against whom the suit is instituted—some belief in their professions, whatever their inward sentiments might be." I will not ask whether the negotiator, chosen for the occasion, was likely to imbibe sentiments of this kind in the Foreign Office, before his departure; but I will ask whether the smallest infusion of Burke's essential ingredient is to be found in the Ultimatum of the 25th of April? I will further ask whether the Portuguese were not disposed to make concessions, as ample as the most imperious temper could demand, as long as it could be done without humbling their sovereign and affecting the national honour?

On this point, no doubt whatever can be entertained. Every motive of sound policy—every principle of self-preservation, urged the Portuguese to be well with us; but there was no existing bond that enjoined them to submit to obloquy, or disgrace. They had no wish to disturb that harmony which had so long prevailed, to the mutual benefit of both countries—those engagements, which they had never sought to violate by any misconduct of their own; yet there is a stage of endurance beyond which no nation can go. A coincidence of views and interests first gave rise to the connection and, when harrassed by the most alarming provocations—reposing on the faith of treaties, they turned their eyes towards England, as the only country from whose friendship they could hope for support. And did we answer that call? Did we not rather act as if all the old ties had been abrogated by a solemn and mutual agreement; or, as if we had cancelled the bond, judging its value to be depreciated!

It is not for me to inquire whether it would not have better accorded with the character of a high-minded people, to succour their friends in moments of distress, than persevere in a tame and suspicious neutrality towards them; but I do say that if a barren tear was all the useless compassion it was in our power to bestow, at least we ought to have abstained from insult and aggression, for in that light I consider our Consul's Ultimatum, and, ere this, the same opinion has been passed upon it throughout Portugal.

It was ever my opinion that in order to secure the advantages, gained during the Peninsular war, nothing ought to have been omitted that could strengthen our ancient amity, and the result would have been mutually beneficial. By abandoning our allies, we however forfeited every claim to their confidence; but it would seem that there was still another sacrifice, more injurious to our reputation, which we did not hesitate to make. Pursuing a line of policy, detrimental to our political strength and injurious to our commerce, the reception given to the ministers sent over to us by Portugal was cold and discouraging; to all appearances, we sided with her enemies, and, at the expiration of nearly three years, embraced a mysterious system of vengeance and injustice, for I can call what has happened in Lisbon by no other name.

It would in fact be difficult for the imagination to conceive a more pernicious doctrine, than for one nation to be allowed to demand from another the peremptory dismissal of public functionaries, without even the common formality of a hearing. Thus to interfere with the internal administration of an independent sovereign, is not only a violation of every principle of equity; but, particularly at the present moment, must expose us to the censure of others. Such a system of intervention is unheard-of. It overturns every distinction between right and wrong, and at once arms the powerful against the weak. It is a proceeding that cannot fail to excite the indignation of the wise and virtuous in every civilized State, and till now unknown in our annals, justice

and magnanimity being the attributes by which we have heretofore excited veneration, confirmed confidence and engaged esteem.

As long as those revolting mementos of studied insult remain unexplained and unatoned, on the face of the Lisbon Gazette, I clearly foresee that no kind of cordiality can subsist between us. The Portuguese consider them as levelled directly at the sovereign on the throne, and their pride is consequently wounded in the tenderest point. Although for the present silently endured by a people, feelingly alive to the smallest injury, such a grievous offence, coupled with the other humiliating concessions to which they have been forced to submit, will continue to fester in their bosoms; and, were the sword of civil discord to be sheathed to-morrow, it cannot be expected that the agitated waves would instantly subside. The seeds of animosity lay too deep to be suddenly extirpated by the hand of negotiation, and of that animosity a proportionate share, I fear, will fall on some of our countrymen.

Let the Demands be properly examined, My Lord, and I am very confident that they will be found not only in most respects unjust; but also grossly incompatible with the dignity of any independent nation, besides being ruinous to our hopes of ever regaining an ascendancy—nay, I have no hesitation in saying that this unfriendly demonstration has broken a charm which in the Peninsula once influenced the destinies of England, and, by alienating the minds of the Portuguese, aggravated that ill-will

which a spirit of sincerity would rather have endeavoured to remove. In their eyes, I apprehend that so many repeated acts of hostility will tend to tarnish laurels, so abundantly reaped on their unhappy soil ; and, as regards ourselves, I really consider this improvident step as a blind sacrifice of future interests to temporary resentment—as a stain upon our name ; well convinced that there was a time when such an act would have stung the pride and wounded the national reputation of a country, whose inhabitants believe no loss to be irreparable, except that of honour, and that no injuries are sufficiently great to justify humiliation, by ignoble means.

I cannot even bring myself to think that a refusal was not anticipated—by some parties not wished—and I judge from what is before me. Although schooled in adversity, the Portuguese might with ample reason have thought that there are concessions, too unreasonable, even to secure the protection of a powerful ally like Great Britain. Driven to so cruel an extremity, the leading men might unanimously have rejected the proposal of saving their mercantile navy at the enormous sacrifice required ! They might have derided the storm and pride revolted at the ignominious alternative offered ! The haughty Lusitanian might have disdained to submit till our claims were investigated, and the King himself, alive to the glory and interests of his country, might have refused to purchase a respite at so high a price ! The public might have cried out, as they felt, that it was a thousand times better to fall, the victims of persecution, than stain their memory

by infamy and guilt; they might have said—let our ports be shut until the propitious moment arrives, when the oppressed can assert their rights with a fairer prospect of success!

In that case, My Lord, what must have been the consequence? Our vessels of war, under Mr. Hoppner's direction, would have commenced reprisals, and seizures and embargoes followed on shore. This would have been a sufficient signal for the revolutionary and disaffected in other parts; through the external agency of the refugees a civil war would have been lighted up in Portugal, during which the lives of some British subjects must unavoidably have been lost and the property of others destroyed—for I fearlessly assert that no treaties ever formed; no privileges ever granted; no precautions which the most consummate prudence could employ, would have proved a sufficient protection against the unavoidable consequences of a war between two infuriated parties. Spain could not remain an idle spectator, if her existence was endangered; the next link of the chain was France, and most probably the whole Peninsula would soon have been wrapped in one general blaze, the ravages of which might have baffled all our subsequent efforts!

And, My Lord, would the Prime Minister of these Realms have then gone down to the House of Lords, with Mr. Hoppner's Ultimatum in his hand, and said that such a state of things was occasioned by the Portuguese government having refused to comply with all and every one of its conditions?

Great God ! what a system of friendship and alliance is that which reduces a weak and exhausted nation to the cheerless state of terror and dismay ; which authorizes the strong and powerful to trample on its honour, insult its sovereign and expose its people to irretrievable ruin !

It has ever been an invariable principle of British policy to prefer the honour and interests of an ally to every other consideration ; with us it was ever a pleasing duty to discharge faithfully the sacred obligations of a promise, and yet it is thus that our Representative treats a people, to whom the navy and power of Great Britain have always served as a bulwark against the common foe ! We have always considered it both prudent and provident to conciliate those States which derive importance from their situation, and of this fact Portugal and Holland stand as proud examples ; nevertheless, of both do we seemingly now disregard the goodwill and alliance !

An hereditary friendship, if possible, is more sincere and permanent than any which interest can inspire, and for proof of this, appeal can be had to our connection with the Portuguese. In Buonaparte's time, they rejected the bait of Imperial favour, as they had previously done that of Republican seduction. During our war with the Colonies, they did all we required ; during the long and awful period of that momentous struggle which marked the commencement of the present century, they were firm and stedfast in their co-operation, and even now their

country is studded with ruins! If, then, on any minor occasion, they may have appeared to us wanting in what can only be considered the nicer discriminations of justice, we ought not to have forgotten that in gratitude and integrity they have yielded to no one.

If I mistake not, our late naval victory before the Tagus is an occurrence that will be heard with displeasure among the most distant nations of the earth; nay, I very much fear that the wound inflicted is too deep to justify the hope of an early oblivion. It shews at once the extent of our power; but, exercised as it was, does it not also exhibit the manner in which that power can be abused? Resentment is usually gratified by the assurance that the injury sustained has been retaliated, and is this the feeling by which His Majesty's ministers will be now actuated? Whilst the constitution of human nature remains the same, the infant cannot resent the injuries received from the full-grown; nor the weak man those inflicted by the strong; but, My Lord, is not the dreaded indignation of the community sufficient to guard both from harm? Is it not this that deters the ruler of an empire from injuring the meanest of his subjects, and ought not the same shield to have warded off the blow, just aimed at Portugal?

As I have previously remarked, our Consul alleges the violation of treaties, and yet abstains from mentioning even a solitary clause! Which then is the treaty that was violated? Is it that of Cromwell? The history of that treaty and the manner in which

its concessionary advantages were obtained, even if such had actually been the case in some slight degree, ought, one would have imagined, to have guarded a British functionary from demanding redress by means of another fleet in front of the Tagus, even although commanded by an Admiral Blake. On all its stipulations our national Representative is, however, silent, as if he thought the *Carta de Privilegios* more emphatic and best suited to the state of a country, at the moment scourged with all the horrors of a civil war !

Even to our last Treaty he does not once refer ; yet, if he had, might not the Portuguese have safely answered that we were the first to withhold our compliance with it, and that if we fail to perform our part of its engagements, they have a right to consider themselves released from the obligation of theirs ? Without pleading such an excuse, might they not have fairly argued that their country was in danger—martial law in force, and that neither strangers, nor allies, in such perplexing moments, could expect all those considerations which they have been accustomed to experience, in peaceable times ? Might they not have further said that the Treaty of 1810 was made with Portugal, as she then stood ; but one half of the monarchy having since separated, with which we had contracted engagements of a totally different nature, it was a query whether the primitive compact was binding on the other. Mr. Canning, at the time the independence of Brazil was acknowledged, very distinctly contended that “ it was to Portugal herself that the British govern-

ment would thenceforth have to look for whatever compensation it might think just to claim, in return for the perpetual protectorship of the political interests of that kingdom, as well as for the preference so long given to the staple produce of Portugal—her wine."

Mr. Canning's opinion on the strength and validity of the Treaty of 1810, from the period of the separation of Brazil, was not therefore very great, since it must be implied from this confession that he felt the necessity of regulating our connection with Portugal, according to some new plan, into which another principle of reciprocity was to be introduced. The interpretation, however, now put upon "the perpetual protectorship of the political interests of Portugal," even by those who seem disposed to fight for the retention of the old federal character, may be very well deduced from the indifference with which the French captures are viewed; and as to the value set upon "the wine preference," some estimate may be formed of it from Lord Althorp's last scheme to equalize the duties. Should, however, the smallest deviation from either treaties, or privileges be noticed, or imagined, on the part of the Portuguese, an Ultimatum is to be sent in; and, convinced from our knowledge of their national character that no threats, or promises, can prevail, unless seconded by measures of a coercive nature, compliance is to be demanded at the cannon's mouth!

What can all this mean, My Lord? At the opening of last Parliament, that is, on the 1st November,

1830, our gracious Sovereign from his throne was pleased to declare thus: "I have not yet accredited my Ambassador to the Court of Lisbon; but the Portuguese Government having determined to perform a great act of justice and humanity, by the grant of a general amnesty, I think that the time may shortly arrive when the interests of my subjects will demand a renewal of those relations which had so long existed between the two countries;" and it is well known that, in the course of a very few weeks, a British minister was to proceed to Portugal.

To the public, this declaration conveyed the idea that we had then no complaints of moment to allege, and that at length we saw the justice and expediency of recognizing the sovereign whom the laws and the public voice had called to the throne.

At the opening of the new Parliament, viz. June 21, 1831, the same sovereign on the subject of Portugal, expressed himself in these terms: "A series of injuries and insults, for which, notwithstanding repeated remonstrances, all reparation was withheld, compelled me at last to order a squadron of my fleet to appear before Lisbon, with a peremptory demand of satisfaction. A prompt compliance with that demand prevented the necessity of further measures; but I have to regret that I have not yet been enabled to re-establish my diplomatic relations with the Portuguese Government."

And, My Lord, can so great and important a change in a question of foreign policy have taken

place, in so short a period ? Has any new discovery of bad faith, or hostility, on the part of the Portuguese, been made ? If not, how is it that the Sovereign of these realms is exposed to so manifest a contradiction in his professions towards an old Ally ?

Most of the articles of grievances, if such they can be called, and since converted into heavy charges, existed in the time of Your Lordship's predecessor. The Terceira captures were surrendered in August, 1830, and the Captain of the *Diana* previously dismissed from his command. On this account, consequently, an indemnity of £7000. alone remained to be paid !

The three *molestations*, complained of, certainly occurred in the current year, and what they amounted to may be readily collected from the manner in which I have discussed the merits of each case ; but as to several of the other items, I think it would have been much to the credit of our Consul and to the honour of his country, if they had never been inserted. The "series of injuries and insults" of which mention is now made and for which it is said "reparation had been withheld," I am therefore led to believe must allude to the *molestations* which followed the conspiracy of the 8th of February, and yet I am at a loss to imagine how a British Sovereign, and late an Admiral, could "send a squadron of his fleet" to demand satisfaction for the four hours detention of a British subject ; a domiciliary search on the premises of another, and the arrest of a Por-

tuguese on those of a third ; neither can I think that he would order out so large an armament to enforce the *instantaneous* payment of £7000. ; the dismissal of a naval captain and five law functionaries from their country's service, and the insertion of five humiliating notices in the Lisbon Gazette ! It would really appear, My Lord, that the difference of language now used upon this subject arose rather from a change of situation, than circumstances, and I very much apprehend that such will be the impression excited in Portugal.

It has often been said that pleas are not wanting when it is the interest of Princes to be unjust ; but, it is fervently to be hoped that such a charge as this will never be laid at the door of the Sovereign who now wields the British sceptre. We have many combined motives to continue on the best terms with Portugal, and some of those motives acquire additional weight from the troubled aspect of Europe. On this account, as well as his abhorrence of injustice, I am very confident that there is scarcely an occurrence, in the vicissitudes of human affairs, more calculated to excite serious reflections in the breast of a patriotic Englishman, than the one now under consideration.

Whether contemplated in a moral, or political point of view, its consequences are equally lamentable. In all our wars and negotiations—our quarrels and intrigues, a parallel cannot be found by the British annalist ; and I unfeignedly think that the most strenuous admirers of those who dictated the

measure, will at least be forced to acknowledge that it was conspicuous for neither prudence, nor manliness. The feelings of an Englishman justly revolt at the idea of humbling a rival—nay, an enemy, at the expence of national honour, and I much fear that the indignant pen of history will record this event in its true colours. Rather than the act of a friendly and allied power, the British Ultimatum must have appeared to the Portuguese, situated as they were among themselves and with the hostile denunciations of the French before them, like a magical illusion, of the direst omen, in which spectres of the most appalling form pass in quick succession before the eyes, leaving no impressions on the troubled mind but those of amazement, horror and despair.

That we should have chosen for such a quarrel a moment when Portugal was plunged into every species of calamity; that we should have thus pressed our demands at an awful crisis when destruction hung over that devoted country, is really unaccountable. That we should have thought this a seasonable time to institute charges and accusations, for the frivolity of most of which no palliative can be found—accusations and charges, wearing the aspect of angry menaces, and to which, under other circumstances, honour forbade submission, would almost indicate a hatred of Portugal, scarcely less implacable than that of Hannibal towards Rome.

The French Demands were presented on the 28th of March, that is, about a month before ours, and

upon them only one opinion can be entertained. They are extravagant and unfounded in the extreme, and at variance with the acknowledged law of nations. They seek to strip a kingdom of those attributes which constitute its sovereignty and independence, and, coming from such a quarter, seem intended to deprive a still suffering people of the remaining honour and resources which an invader before had been unable to destroy.

This strange piece of arrogance I must briefly notice. The French Consul demands the liberation of two delinquents, tried and convicted according to the legal forms; the reversion of their sentences; the destitution of the Judges who passed them; indemnities for alleged hardships; personal satisfaction to an unaccredited agent; an injunction to the clergy not to preach any thing against the French; a censorship to prevent strictures from being printed against them, together with indemnities to four other persons, such as it pleased the French Consul to dictate, and lastly the right of having a Judge. Conservator.

An attempt to enforce compliance with such conditions as these, is not only repugnant to every principle of equity; but also savours strongly of whatever is to be found base and insidious in the conduct of a government; and there were times when we should have warded off such a blow, even although we had been obliged to resort to the pretence that the glory and independence of an allied kingdom would be sacrificed to the follies of a weak

government, unless we interposed to snatch it from impending danger.

The cases of Bonhomme and Souvinet appear to have rankled in the breasts of the French, who evidently determined to expiate what they considered an outrage, by a memorable act of revenge. The former had been tried and convicted of a sacrilege, of the very worst kind, and the matter was decided according to the established forms of law. The Judges on the bench were unanimous in their opinion of his guilt, which was aggravated by the circumstance of his offence having been committed in a consecrated place, and the elevation of the host chosen as a signal for the premeditated profanation. In vain did the Portuguese plead the impartial administration of the law; insults and threats were the only answers given—the French having resolved to bear away their comrade in impious triumph. If it is avowedly the duty of the magistrate to enforce the execution of the laws, or die with courage in the attempt, it certainly must be equally incumbent on those who are invested with the sacred character of superior authority to uphold him, in so just a purpose. To act otherwise, would be to hold out incentives to disobedience and crime; it would be an open defiance of those restraints imposed on the community for the general good.

Souvinet was implicated in the conspiracy of the 8th February; his trial conducted in the ordinary way, and it remains for the impartial to judge whether these two cases were such as could, with

any just degree of propriety, excite the anger of an equitable government, or authorize its agents to recur to either insults, or invectives. At the moment the French had no treaties with Portugal, consequently, whatever claims they had to institute, could only be judged according to the general law and practice of nations; and as to the privilege of having a Judge Conservator, it had been refused to them at the general peace, until acquired by a special negotiation.

On the two occasions, both Consuls seem to have been impelled by some secret motives of personal enmity, or prejudice; for if such a latitude as that which they have taken in their several demands was really given to them by the governments in whose names they acted, one would be greatly inclined to conclude that, in the character of principals, those governments had been alike remiss in observing the conditions which served as a basis for that peace, to the maintenance of which their faith had been repeatedly and solemnly pledged.

In Portugal, I do not hesitate to say, that this was considered a combined movement, and I regret that attempts were made in England purposely to give it that interpretation. Unfortunately Mr. Hoppner's demands, like those of M. Cassas, were ten in number, and although this may be the effect of accident, the coincidence of several other circumstances is too remarkable not to excite a strong suspicion of design, in the two applications, which suspicion is again increased by the coldness and indifference with which

the French seizures of Portuguese vessels are treated. There is certainly no parity in the two cases, and although England has placed herself in the predicament of never again assuming the title of "perpetual protectress of Portugal," I still think that our government would have been very sorry to see that country throw herself unconditionally at the feet of France. At all events, I am confident that ours was a severer blow to the hopes of the Portuguese people than all the reproaches which their enemies could utter—severer than all the satire that flowed from the indignant pens of their bitterest opponents, notwithstanding they are well aware that there is not an act, whether in compliance of ancient usage, or performed in gratification to public feeling, that has not been ridiculed or distorted among us, by those who had an interest in calumniating them.

The demands of both parties were unhappily made in language so arrogant and terms so peremptory, as to leave no choice between war and humiliation. Under such mortifying circumstances, necessity alone could counsel submission; but, My Lord, as regards ourselves, is this an arrangement that can be deemed either safe, or satisfactory, in a country where there are 1200 British residents, carrying on a large and lucrative trade? Will the inhabitants of that country be so soon reconciled to us, after trampling upon their rights and offending their sovereign's honour? Will they not rather look upon us as men whom no sense of justice, or ties of gratitude, can restrain? Will they not reproach us for acting

in disregard of every moral duty, and consider the conduct of our Consul as the consequence of a pernicious system which destroys the principle of universal society? In doing this and then plainly uttering their sentiments, they would only repeat language which the French themselves have often put into their mouths, for it has ever been their aim to supplant us in the affections of a country from which, during more than three centuries, our mariners have been in the habit of bringing over to us whatever could contribute to our prosperity. With secret satisfaction have the French contemplated the impolicy of their rival, and notwithstanding their present feelings, some day or other, they will endeavour to turn it to their own advantage.

How we can ever reconcile our late conduct towards Portugal with our public professions; or how we can find an excuse for a measure so repugnant to every principle of good faith and rational policy, I am totally at a loss to tell. Our Consul's success in Lisbon has been represented as little short of a public triumph; but, do My Lord, institute an inquiry into the manner in which that triumph was achieved and the real nature of the laurels which we have thereby won. The honour of our sovereign; the sufferings of our country and Your Lordship's unblemished name require this at your hands, for, after our late misunderstanding, what cordial friendship can we ever again expect to experience in Portugal; or what can the most splendid trophies avail, when erected on the ruins of national honour? I would say more, My Lord—I would fainly add—look

to the Affairs of Portugal; trace the thread to the point at which it became entangled, and then sift the matter to the very bottom. Not an instant is to be lost—events of the most awful moment succeed each other with a rapidity and effect which almost baffle human efforts.

In the inquiry recommended it is that the real causes of our misunderstanding, as well as of D. Pedro's fall, will be discovered. To our coldness and injustice; to our not having availed ourselves of a reasonable and beneficent influence to allay civil discord; to our delays, at a moment when the pressure of the emergency required promptitude of action; to our apathy and neglect in not interposing our friendly exertions for the restoration of permanent concord; and finally to our lending support to a cause, which every principle of honour and interest should have prompted us to oppose, it will be found that our late misfortune is mainly to be attributed, and having said thus much, I feel called upon to explain the grounds of my opinion, in as few words as I possibly can.

From the onset, we declared against the present occupant of the throne, even before his rights were scrutinized, and with a species of blind precipitation, rushed into an error which it was afterwards found difficult to repair. Thus, through the want of early precautions; through a complication of interests which ought to have been avoided, and through the power of delusions to which we shall at a future period look back with astonishment and disgust, all

the parties interested were eventually overwhelmed by the pressure of events, against which they had neither the courage nor foresight to guard in due time.

The strange and wholly unlooked for perplexity into which both Portugal and Brazil were thrown by the death of John VI., evidently called for the most consummate prudence and dexterity on the part of the British government. Never did fortune favour the destinies of England with so fair an opportunity of rendering the most essential services to both—services which would have placed the two divisions of an old and allied monarchy out of the reach of danger, and in return from the people of each secured to us an eternal gratitude.

We lost the golden opportunity and the consequences were, ruin to the one; calamities to the other, and, as regards ourselves, the total loss of the confidence and esteem of both. Pride and prejudice, on the one hand, and resentment, the natural effect of wounded feelings, on the other, in the Affairs of Portugal, led to a collision of interests and opinions which, once neglected, we were eventually induced to cooperate in the destruction of a power that might have been rendered the most friendly, as if its existence was incompatible with our own safety; or, as if it was the only means left to extricate ourselves out of the dilemma.

Thus unhappily did we lay the foundation of that mutual enmity and ill-will which marked the late

Lisbon transactions and made them terminate so much to our disadvantage. This is the real origin of our dispute, and whatever external appearances may now be, I very much apprehend, My Lord, that the mode of settlement has only tended to widen the breach. By prompt submission the Portuguese did indeed deprecate our wrath ; but, is this the way to gain an ascendancy in their councils, or secure the political and commercial advantages their country has hitherto afforded to us ?

Whilst the giddy and unthinking who, in the most polished countries, constitute the majority, exult at what has happened, the enlightened few will lament a misfortune, the more mischievous in its consequences, because the more difficult of reparation. Our late proceeding is attributed to a wish to humble the reigning sovereign in the eyes of his subjects, and this is an offence that cannot easily be forgotten.

We have therefore to look back and see whether in Portugal we have not deprived ourselves of the influence of public opinion, which operates so powerfully upon the human breast—such as till lately we enjoyed it. We have to inquire whether the spell is not broken and all its power irrevocably gone ; for, My Lord, much should I always distrust the efficacy of that friendship and alliance, which requires the occasional appearance of a “squadron of our fleet” to obtain *prompt and paternal protection* ; or to remind one party of the nature of his bond.

Wounded in the most sensible point, and urged to resentment by every motive, calculated to stimulate the pride and jealousy of the human heart, the Portuguese cannot consider this last demonstration on our part, in any other light than as an aggravation to all their past calamities. Sensible of the real spirit in which it was penned, a native is not to be found upon whose cheek the perusal of our Consul's Ultimatum will not spread the indignant glow of resentment. And is the enmity of a whole nation to us a matter of indifference? If the circulation of that Ultimatum were at this moment general, I do not hesitate to say that a British subject would not dare to shew his face in those parts of the country where the arm of power is weak, and where the government has long been accused of too great a bias and partiality towards us. The consequences of its being known to the lower orders, in the present state of excitement, would, I am very confident, be infinitely more serious than those of Pamplona's noted Manifesto, which only a few years ago, nearly roused a whole province against the British residents. Let us look calmly and dispassionately at this affair; let us bear antecedents in mind and then place ourselves in the situation of the Portuguese. Judge, My Lord, what would be the public feeling in this country, if such a paper were presented to our government by an agent of either France, or the United States, and a fleet in view, prepared to enforce its contents!

The youthful sovereign of Portugal has been unfairly—unjustly, dealt with, and, My Lord, it must

not be disguised, we stand charged with a participation in the injuries and persecutions which he has had to endure. One hasty and improvident declaration embroiled us, and having once committed the fatal error, we had not the courage to retrace our steps, or overcome the prejudices incautiously imbibed.

The first step into public life of the young Prince, now seated upon the throne of Portugal, procured for him the benedictions of a grateful people and the thanks of the European sovereigns ; his next led to his arrest on board of a British man of war and forcible conveyance to Brest, escorted by a frigate, also bearing our flag. To this period, it is, that Your Lordship's attention must be carried back—then commenced the first series of Portuguese calamities.

In 1823, we saw the people of Portugal, after a three years' trial, prefer a practical system of government, sanctioned by experience and the prosperity of ages, to the ill-digested chimeras of visionary theorists, who had nevertheless obtained a complete ascendancy over the King and wielded the whole power and resources of the State. The immediate instrument of their downfall was Prince Miguel, against whom, the Constitutional party then swore an eternal enmity, and, with a view to promote their own ends, an oath was administered in their secret haunts, with every solemnity tending to inspire awe, and to this bond time and interest have added strength.

After the restoration, infinitely more quick, peaceable and welcome than ours, in 1660, Portugal continued to experience the misfortunes of misrule; indeed, that country must ever present a frightful picture of the inefficacy of government, where a spirit of degraded favouritism prevails in the palace, and the machinations of faction are rendered superior to the authority of the laws. A new administration had been formed out of the most heterogeneous elements; but the people soon saw that little confidence could be reposed in the professions of ministers, who infringed the most sacred obligations and sacrificed every virtuous principle at the shrine of ambition.

The king became more than ever the victim of habitual timidity; indeed, indecision and the jealousy of age marked every act of his public life from the period of his return to Portugal. The Royal Family was a prey to dissensions, purposely embittered by the men in power in order to serve their own ends, whilst the court was made a theatre for intrigues, which only tended to increase the public distress and heighten the general indignation.

Through a strange combination of circumstances, two men, of opposite character and principles, held the reins of government; oppressed the sovereign, and with refractory perseverance continued to brave public opinion. How the deluded monarch could have expected any thing like harmony to subsist between minds, so differently attuned, it would be difficult to tell; but of each he alternately became

the victim, and the names of these two ministers will ever be associated with calamities which befel their country, at two distinct periods.

These men the Prince wished to take from the King's councils; this second effort the country loudly demanded at his hands—his first had been successful and unanimously approved of. Filial regard—the indignities practised towards his mother, might have influenced his actions; the means adopted to effect his purposes might have been injudicious—nay, even illegal; he might have gone so far as to endeavour to impose restraint on his sovereign's will. Granting all this—the *tout ensemble* of the occurrence which happened on the 30th of April, 1824, does not however prove that he was impelled by any base, or parricidal views. There are cases in which extreme remedies alone will suffice, and no man can even now fairly judge this bold, although many may think imprudent, act, unless he is perfectly aware of the peculiar situation in which Portugal was at that moment placed, and knows well the character of the parties mixed up in the affair.

The Prince's aim, it is now fully and indisputably established, was solely against a faction, denounced by the public voice, and headed by two men towards whom he entertained no other enmity than that which his country's love, or a mother's wrongs, inspired; and had he then prevailed, I at this moment assert, fearless of contradiction, that Portugal would have been saved from most of the calamities which followed the King's death. Much as it may clash

with the opinions of many—much as I know the power of prejudice and the force of first impressions, I will, after a long and very patient investigation of the whole affair, even add that, if the design formed *to force the king to change his ministers* (and this was confessedly the extent of the plan) had then been triumphant, a ruinous war of Succession would not have happened; D. Pedro would have been quietly seated on his Imperial throne, and our own most gracious sovereign would not have had to send a “squadron of his fleet” to the mouth of the Tagus, in April, 1831!

More than this can hardly be required by the most sceptical, either in defence, or palliation of the *Abrilada*; and as regards the late King of Portugal, notwithstanding the powerful influence of the Prince’s enemies, who sought to accuse him of an offence, too heinous for the breast of man to conceive, by a public declaration, he acquitted D. Miguel of all criminal intention towards himself, and retained the conviction of his innocence to the latest hour of his life.

This affair has been much disfigured; the facts grossly misrepresented and the most erroneous conclusions drawn from them, merely to please a party, and by no one more so than Mr. Canning’s last biographer, who devotes several pages to the discussion of the *Abrilada*, and, after all, gives us no more than a recapitulation of the rumours current at the moment, without bearing in mind that they were exclusively derived from the absent Prince’s

immediate enemies, and, of course, highly tinged with a spirit of malevolence. He seems totally unmindful that a Court of Inquiry was instituted for this very matter; that numerous witnesses were examined and every possible effort made to implicate the principals. The author of Mr. Canning's "Political Life" ought to have known that the result of those proceedings was afterwards printed, and writing in 1831, it was further incumbent upon him to have known that, in the interval of seven years, nothing whatever has been discovered that at all affects the honour, or filial duty, of the Prince, notwithstanding the temporary triumph afforded to his adversaries.

In his description of the *Abrilada*, Mr. Stapleton has given a most unfavourable idea of his patron's discernment, as he merely reproduces opinions entertained at a period when, in the eye of prejudice, nothing was too absurd, or too revolting, to obtain belief; but, as it usually happens, when enmity and revenge are the springs of action, the charges at that time raised were so various and inconsistent, that in the end they served only to destroy each other.

In Portuguese affairs, Mr. Canning seems to have pinned his entire faith on M. de Palmella's reports and advice, and on several occasions his co-operation was used to carry into effect plans in Portugal which the British government then had at heart. The Prince's effort on the 30th of April was avowedly to strip M. de Palmella and his colleague of their power, as well

as to prevent a certain party from ever again raising its head in Portugal, and any descriptions of the occurrence coming from them ought, therefore, to have been received with the utmost caution. Part of this very scheme Mr. Canning himself afterwards followed, for it was he who withdrew M. Pamplona from King John VIth's councils, although he had not sufficient courage and foresight to go a little further. If he had, I repeat, D. Pedro would not have been at this moment an inmate of the Clarendon Hotel, Bond Street, or M. de Palmella the Regent of an imaginary Kingdom in the Island of Terceira !

The interests of the two Portuguese ministers who gained the victory on the 30th of April, 1824, from that period, became more strongly identified, and swearing an implacable hatred to one who with the very best and most patriotic views sought to drive them from their posts, they consecrated to revenge every faculty of their aspiring souls. In order to gain their ends, they formed a league with the fallen Constitutionalists, who still nourished the chimerical hope of regaining their lost posts and offices.

The new bond of union being exchanged, Portugal then beheld men who had formed an administration on principles, totally opposed to those of their newly-acquired auxiliaries, uniting through the dread of one common danger, and jointly and severally resolving to rid themselves of the presence of the only man who could thwart their views, they anxiously awaited the earliest opportunity which the exigency of

the moment, or their own ascendancy over the mind of the weak monarch, could supply.

To this league the recent calamities of Portugal may be traced. King John was still a prey to imaginary terrors, notwithstanding the capital was tranquil and his reconciliation with the Prince complete. Beset by intrigues, in which the French minister took a leading part, the bewildered and stricken monarch went on board of the Windsor Castle (the French man of war sent for not having arrived) on the 9th of May, that is, ten days after the affair in question had happened. Having summoned the Prince to attend him, the fearless youth instantly obeyed, notwithstanding the solemn warning of his danger, given to him by the assembled multitude who, with tears in their eyes, told him that he was about to become the victim of his enemies. Conscious of no crime, he courageously entered the barge that was to convey him from the shore; but, if he ever entertained the criminal design, attributed to him, he had then the full means of realizing it. The whole army was for him; the people ready to co-operate, and by taking up his residence on board of a foreign ship, the King had besides rendered himself liable to the charge of having abdicated the Crown.

Much mystery has been thrown around these transactions, purposely to conceal the truth and disguise the atrocity of the act that was to follow. It unfortunately happens that no part of that mystery is removed by Mr. Canning's official biographer;

but, suffice it to say, that the Prince was instantly arrested and sent on board of a Portuguese frigate, in charge of a ruffian, appointed by his enemies and instructed to do every thing in his power to injure his private character. Landed at Brest, he was conveyed as a state-prisoner to Vienna and there detained. He was not, I am ready to confess, like our romantic Richard I., confined so closely as to require a minstrel's stratagems to release him; or so harshly treated as the Infante D. Duarte, brother to John IV.; but, it is no longer denied that his deportation was an act of revenge, and his subsequent detention, contrary to the King's wishes, was evidently in accordance with a premeditated scheme to deprive him of the Succession, the principal point I here seek to establish.

For some time previous to the demise of John VI; the state of Portugal was wretched, in the extreme. The Crown had almost become a burden to the wearer, owing to his declining health; his apathy, and the intrigues by which he was surrounded. We had just overcome the efforts of the French to gain an ascendancy and procured Pamplona's dismissal. M. de Palmella stood without a rival near the king; he professed to be devoted to our interests; but as time has distinctly shewn, instead of fixed principles, his policy was rather regulated by the smiles of fortune. The other distinguished offices of confidence and authority were in the hands of men, fully sensible of the awful predicament in which their country was placed, and who felt the imperious necessity of extricating it from impending dangers.

Those who had something at stake, deplored the depressed state of agriculture and commerce, and many belonging to the upper orders felt that it was their interest not to attach themselves with too obstinate a reverence to established systems, not resting on the fundamental laws, but rather to adapt their conduct to the fluctuations of human affairs. The question of Brazil pressed urgently on public attention, and the really patriotic saw that their government was at length compelled to select from existing evils the one attended with the least disastrous consequences ; whilst the King himself, weak and dejected, was nevertheless anxious to leave his successor in possession of a tranquil throne.

In this state of things, it was, that the negotiations for the acknowledgment of Brazilian independence by Portugal commenced, under the auspices of Mr. Canning, and at that momentous period for both countries the sacred character of a mutual ally would have given weight to our salutary admonitions, had we not unfortunately adopted a wrong course and mixed ourselves up in an intrigue, of the very existence of which we seemed unconscious.

One striking feature distinguished the Emancipation of Brazil from all other revolutionary changes, recorded in the annals of mankind, and more particularly those witnessed within our own days on the same continent, and that is, under all circumstances, the prudence and moderation with which the triumphant party acted. In the first fervour of success, no symptoms of that sanguinary and vin-

dictive spirit were evinced which has so often tarnished similar causes, and perpetuated animosities between the emancipated offspring and the parent stock.

The independence of Brazil appears to have been effected by an association of natives and Portuguese residents, impelled, by the necessity of the moment, to combine for their mutual defence against a desperate faction which at home had usurped the supreme power of the State, and was endeavouring to train and oppress the most distant parts of the monarchy, merely to add to its own triumph and consolidation. That memorable event was not therefore the result of either foresight, or combinations. It was not the effect of bad institutions—it indicated no fretfulness of restraint—no intemperate eagerness for a change. It was rather a dread of being entangled in hazardous theories and the disgust, occasioned by the Lisbon Cortes, which induced the Brazilian people to consolidate their individual force in one general mass, for the public benefit; it was a clear discrimination of their real and permanent interests, such as they were indicated by situation and the law of nature; and the same national feeling, beating as it then did responsively from one extreme of the country to the other, simultaneously called forth an opinion and fortified a resolve, the disregard of which afterwards led to misfortunes, of which even now it would be difficult to foresee the termination. The Brazilians resisted an authority which they were well convinced would bring them to ruin and disgrace, and contended for the ad-

ministration of their own affairs with all the obstinacy of prejudice, stimulated to action by the corroborating voice of interest and locality.

Carried onwards by the current of events, I would gladly enter into a detail of the circumstances under which Brazilian independence was achieved—willingly would I sketch the prominent features by which it was distinguished ; but I could not perform the task without incurring the charge of repetition and swelling my Letter to a size, infinitely beyond what I originally contemplated. I shall therefore proceed at once to the period when the negotiations for the acknowledgment of that independence commenced, in London, under the mediation of the British government, and the inquiry will be much facilitated by the outline of the various expedients and occurrences, published in Mr. Canning's "Political Life," the materials of which being derived from "the freest access to the minister's papers," carry with them an authority equivalent to official. In the proposed research that work shall therefore serve as my principal landmark.

It is very evident that the Brazilians, from the moment they were made sensible of the real nature of their position, determined on absolute independence and separation, acting entirely from an American feeling. When the old order of things was restored, Portugal hoped to reconnect the two countries by means of the Prince Royal, and with this view sent over her own proposals which were disdainfully rejected and the bearers ill-treated. Mr.

Canning afterwards, in the character of a mediator, entered on the negotiations, in concert with M. de Palmella, and throughout seemingly reposed too implicit a reliance on his professions and information.

The British minister was early convinced "that neither the subjugation, nor voluntary submission of Brazil could be expected;" but he seems to have adopted the idea "of reuniting the two crowns upon the head of the King of Portugal," the expedient suggested by M. de Palmella, although he must have been aware of the totally opposite sentiments which accompanied the declaration of Brazilian independence. A wish to reconcile these discordant views gave rise to a difficulty which in the end proved fatal.

The Portuguese government naturally had many prejudices to overcome before they could treat with the Brazilians, as an independent people, at the same time that the latter refused to accept any thing short of absolute compliance. The extreme pretensions of the former certainly added greatly to the embarrassments of any arrangement; but the plan originally proposed and, with some modifications afterwards adopted, being founded rather on a family interest than any wish to consult either the inclinations, or the peculiar situation of the two countries for whose benefit the negotiations were ostensibly undertaken, it was necessarily rendered defective in its most material parts.

A period of more than twelve months elapsed

before the conferences on the subject of recognition commenced, in London, and in that time, one would have thought, much valuable information as to the state of public feeling in Brazil, as well as on Portuguese legislation, might have been obtained. The discussions opened in July, 1824, when the Brazilians declared that they treated only on the basis of "*Independence*;" whereas the Portuguese Commissioners claimed "*Sovereignty*." It not being possible for any terms of accommodation to arise out of pretensions, so perfectly opposite, Mr. Canning "prepared a project of a Treaty of Reconciliation which might, at any rate, furnish the basis of a somewhat more progressive discussion."

Of this project the leading features were, 1st, "that the two parts, American and European, of the Dominions of the House of Braganza should be distinct and separate—Brazil governed by its own institutions; 2nd, that arrangements should be made for settling the Succession to the Crowns of Portugal and Brazil, in the manner most conformable to the principles of the Monarchy; for which end the King of Portugal was voluntarily to make over to his Son all his rights in Brazil, and D. Pedro to declare his willingness to renounce his personal right of Succession to the throne of Portugal; and upon the acceptance of this renunciation of D. Pedro to the throne of Portugal, the Portuguese Cortes were to fix upon one of the children of the Emperor, who should be called to the Succession of that Crown at the demise of His Most Faithful Majesty; it being understood that the Cortes might call to that Suc-

cession the eldest son of the Emperor of Brazil, or the eldest daughter, in failure of male issue."

It is presumable that this project was presented some time in August, and afterwards transmitted to M. de Palmella, the minister in Portugal, with this additional recommendation; viz. "that the project would never have been submitted through British intervention, to the consideration of the Portuguese Government, were it not sincerely believed that the interests and honour of His Most Faithful Majesty were consulted in the manner most conformable to circumstances which it was then impossible to control." To this it was further added that, "by this project His Most Faithful Majesty was placed in a position to grant, as of his own grace and free will, that which in effect he had no power of withholding; his Son was ready to renounce, or retain, his claim of Succession to the Crown of Portugal, as his Royal Father and the Cortes of the Kingdom should decide; it was in truth referred to the King of Portugal to determine whether he would lay the foundation of two co-ordinate dynasties in the Family of Braganza, or of a reunion by which, after a temporary and (in the age of a nation) short separation, the two branches should again merge into one, and the Crown of Brazil again be settled on the same head."

Such was Mr. Canning's project for the settlement of Portuguese and Brazilian differences in August, 1824, in which Austria, as an interested party by a

family connection with D. Pedro, had been induced to acquiesce.

At the time this project was broached, Mr. Canning's position was peculiarly commanding, and so general the popularity which he enjoyed, that nothing was thought too great for his comprehensive genius, or too trifling not to attract his notice. So unbounded indeed was public confidence, that the most perfect reliance was placed on his solid sense and prudence ; in this most important matter, every one concluded that he was proceeding on the sure grounds of calculation and experience.

The proposed arrangement was distinguished by three remarkable features, viz., a wish to set at defiance all that had been lately done in Brazil ; a plan to decide the question of Portuguese Succession in London, and a perfect misconception of the powers and ends of the Cortes of Portugal.

I will first revert to the position of affairs in Brazil. The spirit in which Brazilian independence was achieved has been already noticed. From the very commencement of the differences between the two divisions of the Portuguese monarchy, no matter now the causes in which they originated, it is clear that D. Pedro identified himself with the views and interests of the Brazilians, and, as they did, adopted a local, or, as I should rather say, an anti-European feeling.

The grand work of total independence and sepa-

ration went on apace, and on the 1st of August, 1822, "His Royal Highness, the Constitutional Prince Regent and Perpetual Defender of the Kingdom of Brazil," published his memorable Manifesto, in which he tells the Brazilians "that the time of deceiving men is gone by, and that the governments which still seek to found their power on the supposed ignorance of the people, or on ancient errors and abuses, will behold the Colossus of their greatness fall from the fragile basis on which it had till now been erected."

After a long review of the errors of the Lisbon Cortes, in reference to Brazil; after applauding the spirit in which the Brazilians had determined to resist their oppression, and declaring that he remained among them as a bond of union and a guarantee to their future prosperity, he proclaims that he "had convened the Assembly of Brazil, in order to cement the political independence of that Kingdom. Remember, therefore," continues he, "Generous Inhabitants of these extended and powerful regions, that the great step is taken for your felicity and independence, so long ago foretold by the great politicians of Europe. You are now a sovereign people; you have already entered into the great society of independent nations, to which you were in every respect entitled—your Representatives will give to you a Code of Laws, suited to the nature of your local circumstances, your population, interests, relations, &c.—Let therefore no other cry be heard among you than Union—from the Amazons to the La Plata, let no other echo resound than that of In-

dependence. Brazilians, Friends, unite, I am your Countryman—your Defender, and let the honour and prosperity of Brazil be the only recompence of our labours. Steadily pursuing this path, you will always find me at your head and in the place of greatest danger. My felicity, be assured, will always be yours; the glory of ruling a gallant and free people is mine; do you then set me the example of virtue and union, and you will find me worthy of you," &c.

On the same day, war was declared against Portugal, and on the 6th an explanatory Manifesto addressed to the governments of the allied and friendly nations, informing them of the establishment of the political independence of Brazil, and expressing a wish that all former relations might continue. On the 12th of October, in the same year 1822, D. Pedro was by general acclamation declared Constitutional Emperor and Perpetual Defender of Brazil," and by this means the country rendered as free and independent as the American Colonies when they separated from Great Britain. D. Pedro accepted an American throne on condition of relinquishing all his claims to an European birthright, and on the avowed principle that any future union with Portugal was incompatible with the interests and determination of the Brazilian people.

On the 11th of December, 1823, a Constitution, regularly enacted and accepted, was promulgated, in which it was solemnly declared that Brazil would never again allow "of any bond, union, or federa-

tion ; that the Succession to the empire should, by the unanimous acclamation of the people, belong to D. Pedro I. ; that his legitimate issue should succeed to the throne, according to the order of primogeniture ; that foreigners are excluded from the Succession, and that if the Emperor should absent himself from the country without the consent of the Legislature, that this absence would be considered equivalent to an act of abdication," &c. To the observance of this Constitution D. Pedro bound himself and his issue.

The whole of this system, openly established by the efforts and agreed to by the unanimous consent of an entire nation ; a system, dictated by nature, sanctioned by reason and afterwards sealed by a national compact, to which the new sovereign was a material and immediate party, Mr. Canning's London project was calculated at once to overturn, and such inevitably would have been the case, if the Brazilians had not a second time resolved to take their affairs into their own hands.

The counter-position in which Portugal was placed by the independence and separation of Brazil, followed by the heir-apparent accepting another throne, is not less remarkable.

From the earliest dawn of their monarchy, the Portuguese had established that uniformity of opinion respecting the sovereign's right to the throne, so essential to the stability and welfare of every well-constituted State. In the Cortes of La-

meço, it was enacted that the Crown should be hereditary and descend, in a direct line, with this peremptory limitation, nevertheless, that it should *never revert to a foreigner*. This rule was strictly observed till 1385, when on the demise of Ferdinand I., without issue, the Cortes bestowed the Crown on John I., natural son of Peter I., and it was moreover formally declared "that, as the throne was vacant, the people were at liberty to elect a new sovereign," &c.

The Succession continued undisturbed till the days of young Sebastian, at whose death several competitors stepped forward, and after the short reign of Cardinal Henry, Philip II. of Spain took possession of the country. The revolution of 1640 produced a new era and the Braganza Family was called to the throne. To render the Law of Succession more clear and peremptory, the Resolutions of the Cortes of Lamego on this subject were then purposely renewed and confirmed by those of Lisbon, and it was expressly ordained "that the Kingdom should never again be inherited by a foreign king, or prince, whatsoever, (alluding to the late possession of the Spanish Philips) and that the Sovereign who is to be such over this Kingdom of Portugal shall be a natural and legitimate Portuguese, born in the Kingdom and held bound to dwell and abide therein." It was also enacted that "the Succession of the Kingdom should at no time come to a foreign prince, nor to his children, notwithstanding they may be the next of kin to the last king in possession; further, that when it happens that the sovereign of these

realms succeeds to any larger Kingdom, or Lordship, he shall be always bound to reside in this ; and having two, or more male children, that the eldest shall succeed to the foreign Kingdom and the second to this one of Portugal, to whom the oath of allegiance is to be taken, as the lawful sovereign and successor thereto ; and in case he has only one son, who is thus compelled to succeed to both kingdoms, that the same shall be hereafter separated and allotted to his children, in the manner above set forth, &c.—And that when the kings, princes and infantas of this realm marry in foreign kingdoms, special clauses shall be inserted in their marriage contracts, stipulating that their issue shall not herein succeed,” &c.—Finally, “ that all future sovereigns shall take the oath before they are proclaimed and acknowledged,” &c.

This law was doubtless intended to prevent the throne from ever again falling into the hands of a Spanish monarch ; but it is yet in force and the spirit in which it was enacted revived from the moment the occurrences which happened in Brazil were fully comprehended in Portugal. From these authorities, corroborated by many memorable examples to be found in Portuguese story, it is also evident that, on all great emergencies, and more particularly when doubts occur regarding the Succession, the decision of the Cortes alone can be legal and binding ; a material point which Mr. Canning entirely overlooked ; indeed upon it he must have had the most vague and imperfect ideas when, speaking of the convocation of that Assembly, he

remarked that "t had been so long disused, that its very composition and modes of proceeding might be liable to doubt."*

Mr. Canning's project was rejected by Portugal, when after a considerable loss of time and an attempt to introduce a counter-project, coupled with some few experiments, it was determined to transfer the seat of the negotiation from London to Brazil, and "by choosing a British Diplomatist of high rank, who was first to go to Lisbon to concert a middle course and thence proceed to Rio de Janeiro, it was hoped that he might there be enabled to advise and enforce the acceptance of the Treaty with the mild authority of persuasion."

The various projects and expedients, respectively suggested for the settlement of this delicate affair, had at length been reduced to few points which were to be left for agreement, and even of these some were matters of mere form. It could not in the least affect the future destinies of the two countries, whether the Father confirmed the title bestowed upon his Son by the Brazilian people, after they had declared their independence of Portugal, or the Son nominally transferred to the Father the administration of Brazilian Affairs. Such propositions were founded on palpable delusions which, after a lapse of even so very few years, excite a smile rather than an angry feeling; but there was a point, of all others by far the most essential, which ought then

* Letter to Sir Charles Stuart, July 12, 1826.

to have been settled, otherwise, it would have been better never to have attempted the negotiation of a Treaty through the intervention of a third party.

“With regard to the question of Succession to the Crowns of Portugal and Brazil” (and it seems all along to have been determined to act upon the absorbent principle) according to Mr. Canning’s project, as interpreted by himself, “D. Pedro’s right of inheritance was to be left in his Father’s hands;” whereas, according to that of M. de Palmella, “the integrity of his right of inheritance was to remain untouched.”

These seem to have been the leading principles, established and agreed to on this side of the water, long before Sir Charles Stuart commenced his voyage across the Atlantic; indeed so strong was the delusion that prevailed in Mr. Canning’s mind upon the subject, that he considered no stipulation on this head necessary, “since the course of nature and the fundamental principles of Portuguese law prescribed the Succession of D. Pedro, on his father’s death, to the crown of Portugal.”

Where Mr. Canning obtained his interpretations of “Portuguese law” it is not for me to inquire; but, it is very evident that in his mind the great question to be solved was “not whether Brazil should, or should not, return to its former subordination to Portugal; but how the Monarchy should be saved in America, and how the best chance might be preserved of a reunion of the two Crowns of Por-

tugal and Brazil on the head of the Braganza dynasty," and to the promotion of this "*chance*" he seems to have devoted all his talents and efforts.

The manner in which the negotiations were to be introduced at Rio de Janeiro having been determined upon, in order to facilitate despatch, "Sir Charles Stuart was directed to induce His Most Faithful Majesty, in the undiminished plenitude of his rights, to sign a *Carta Regia*, granting to Brazil all that remained to be granted, in order to establish an entire legislative independence;" by which must be meant all that the Brazilians more than two years before had obtained and secured through their own means, and consequently could no longer accept from another quarter.

In justice to the Brazilian negotiators, it ought to be added that they did not concur in the proposed plan; nor indeed was it possible they should, unless they felt prepared to betray their trust and at once set at naught the Constitution of their country, after sacrificing the principles on which its independence had been achieved.

On the arrival of the joint British and Portuguese Plenipotentiary at Rio de Janeiro, the *Carta Regia* was delivered in to the Brazilian Ministers and rejected, as being totally inadmissible. The negotiations nevertheless continued, and eventually a Treaty was concluded on the 29th of August, 1825, in which His Most Faithful Majesty "acknowledged Brazil in the rank of an independent empire, separated

from the Kingdoms of Portugal and Algarves, and his Son, D. Pedro, Emperor thereof; reserving nevertheless to himself the same title." After some objections, this Treaty was ratified at Lisbon, on the 5th of November, in the same year.

The mediator thus omitted the most material point, being of opinion "that a single word implying his (D. Pedro) resolution only to reign in Brazil, would have thrown the question of Succession into difficulties, infinitely greater than any to which it could be exposed by the silence of the Treaty regarding it." To make up the deficiency, an expedient was to be resorted to, by means of which King John VI. was to transfer the Succession to the Crown of Portugal, by some solemn and secret act of his own; but the party in the Portuguese cabinet who were anxious to defeat Prince Miguel's right, (as before noticed, legally acquired) and with this view kept him aloof from the theatre of the negotiations, would have preferred to see the matter at once settled in D. Pedro's favour by a special clause in the Treaty. It was however anticipated that this would create too great an outcry in Brazil, before things were properly prepared; indeed, if the Succession had been mentioned in the Treaty, D. Pedro would clearly have been compelled to renounce his rights to the throne of Portugal, conformably to the Brazilian principles on which he was then acting, of all things that which M. de Palmella sought to avoid, it having been his object all along to impress upon the minds of the British negotiators the idea "that D. Pedro, according to the fundamental laws of the

Kingdom, remained undoubted heir to the Crown of Portugal," whereas in reality the fact was quite the reverse.

Never was so gross a delusion—so complete a juggle practised. It was in fact intended to make King John VI. a party to a positive fraud—he was to have affixed his seal to an unnatural and palpable act of injustice. Endowed however with strong good sense; revolting at an act which his conscience could not sanction, and being at length convinced of the disgraceful manner in which Prince Miguel had been sacrificed by a party from whose hands he was no longer able to extricate himself, he refused to proceed any further in the affair. He repeatedly gave orders that the Prince should be recalled from Vienna, and as often were his wishes defeated through the intrigues of those who surrounded him. A deep despondency at length began to prey upon his mind, and it is now well ascertained that this affair hastened his death, which happened on the 10th of March, 1826. A paper then made its appearance, purporting to be signed by him, and appointing a Council of Regency to govern the Kingdom, "until the legitimate Heir and Successor to the Crown should have adopted his own measures in this respect;" but even in this paper no name is mentioned and its authenticity has since been questioned.

Hume informs us "that Cromwell supposed that God, in his Providence, had thrown the whole right, as well as power of government into his hands, and

without any more ceremony he sent summons to 128 persons to meet and form a Legislative Power." D. Pedro did precisely the same. Relying on the arrangements made for him in England; well aware of the strength and efficiency of his party in Europe and fully apprized of the extent of the precautions taken to prevent opposition, he considered himself the Sovereign of Portugal, and when the official news of King John VIth's demise reached Rio de Janeiro, on the ensuing 25th. of April, without any form, or ceremony, he placed the crown of that distant realm upon his own head; confirmed the Regency, as he pretended, appointed by his late Father; named a House of Peers; made regulations for the Cortes of Portugal to assemble according to a new plan; issued an amnesty-decree; proclaimed a Constitutional Charter and abdicated in favour of his daughter—all the work of a single week, aided only by a private secretary!

Among the Brazilians, this ridiculous act of interference excited surprise and disgust. Contrary to the institutions of Portugal, as well as in opposition to the interests, wishes and honour of the people, D. Pedro's new system was nevertheless introduced under British auspices, and continued in force until the Portuguese themselves obtained redress.

Thus did D. Pedro, unmindful of his solemn promises to the Brazilians and disregarding the laws of his native country; guided by romantic ideas of glory, as if that which was rash and adventurous alone attracted his notice; dazzled by the splendour

of the gigantic enterprise ; or deceived with regard to the strength and popularity of the party urging him on, totally overlook the sacrifices—the dangers to which he exposed himself, and from these gaudy dreams he was afterwards destined to awake to shame and disappointment.

The Brazilians learned with indignation the nature and extent of a transaction which, besides being unjust, was destructive of their own future prospects. They revolted at the idea of the Portuguese, being, thus contrary to their own will, transferred to a new master ; and not knowing when their own turn might come to be treated in a similar manner, they felt themselves compelled to act on maxims which they had established as the rule of their own political conduct. From the very commencement of the struggle, they beheld, with feelings of gratification, a people connected with them by blood and historical recollections, a people whose objects and principles were similar to theirs, refusing to acknowledge a Sovereign whose authority was unsanctioned by their own consent, and they exulted when they heard that they were arming in defence of their dearest rights.

So glaring an act of injustice as that which originated in the Rio de Janeiro palace, was evidently calculated to efface every vestige of respect and veneration which the Brazilians had till then entertained for their Sovereign, and to obliterate from their memory all his services in the establishment of independence. They indeed viewed his competition

for the Portuguese throne as a family feud—not as a national contest, and hence their feelings were for some time restrained; but having wisely determined that the bond between the two countries, once broken, should be severed for ever, they considered any attempt to reconnect them as a manifest infraction of mutual engagements.

Endowed with a genius, aspiring and energetic; combining in himself some of the best qualities suited to adorn a throne, or shine in private life, D. Pedro was ruined by bad advice and became the victim of an error which he would have avoided, if it had been properly pointed out to him in time. Not satisfied with the extensive empire, spread around him; coveting territorial aggrandizement at a moment when the sphere of his power comprehended an extent, hitherto unmeasured, his haughty soul aspired to the dominion of a distant realm which neither its laws, nor popular favour could bestow upon him; and, fortunately for his scheme, as doubtless he then thought, a powerful faction offered itself to support the hazardous enterprise, little dreaming that he was barbing an arrow which his subjects would hereafter use for his own destruction.

Foreseeing the fatal consequences which could not fail to ensue from so disgraceful a rupture, he ought to have been the first to use his influence to appease the rising storm. He ought, in the spirit of sincerity, to have listened to the admonitions of his own subjects, and if for a single moment he had been thrown off his guard, he should, on reconsider-

ing the matter, have remembered his own oaths and pledges—the tenure of his own diadem ; but, instead of this he dissembled, rushed into coalitions, at variance with the laws and contrary to the interests of his adopted country, and thus openly violated the duties which he had solemnly undertaken to perform.

Had he, in grateful acknowledgment for so valuable a benefit as the recognition of Brazilian independence—in obedience to the national will, on learning the death of King John VI., published a declaration, renouncing all rights which any party, or faction, sought to assert in his favour, acknowledging that the Portuguese were entitled to be the umpires of their own destiny and that the laws were to take their course, instead of making himself the laughing-stock of the whole world, he might at a future period have derived important assistance from such an act of gratitude and justice ; but to league with the very men whom he had so often and so recently accused of being the authors of great calamities to both countries, not only lowered him in the estimation of the one, but also excited the strongest suspicions in the other. He might have been deluded by the brilliancy of the offer ; he might have imbibed the most exaggerated ideas of his own strength, and thought no enterprise too chimerical for perseverance to accomplish ; but, had he been just, or true to his previous engagements, he would have declined the perilous appointment, made on conditions which it was no longer in his power to fulfil.

Princes are often the last persons made acquainted with the consequences of their own misconduct ; but the voice of truth will ultimately penetrate into the recesses of a palace. An empty treasury—broken credit—angry murmurs and public reproaches, uttered in the Legislature, are symptoms which cannot be long disregarded. With feelings of the keenest displeasure the Brazilians had previously beheld a large foreign force collected among them, and trembled at the enormous expences incurred by the government, as well as for the safety of their own institutions. They saw the public funds squandered away and their national distinctions bestowed on unworthy objects, as the fruits of servility, or the recompence of apostacy. The court became a scene of profligacy ; a woman of the most abandoned character was raised above the oldest families, and the Brazilians had soon to deplore the premature loss of a venerated empress, the mother of a Brazilian offspring, on whose preservation their future destinies in a great measure depended.

In periods of revolution, the splendour of a family depends more on the character of its chief than ancestral renown, and nothing is so common as to see names, before unheard of, bursting from their native obscurity to occupy a conspicuous place on the great theatre of human enterprise. So did it happen in Brazil. Several men of distinguished talents ; patriotic in their views—inexperienced, it must be allowed, yet docile and devoted, were by passing events brought from the most distant provinces to the capital. They were anxious to see

the national institutions consolidated ; the country relied upon their exertions ; but, as soon as their influence was felt, they were either driven as exiles into a foreign land, or left neglected, and the places which they ought to have filled given to men taken from the very dregs of society.

As before noticed, a secret instinct, more rapid than reflection, had whispered to the beating heart of the giddy monarch that he was designed by Heaven to wear the two Crowns ; and from that unguarded moment nothing found encouragement near him that did not tend to feed the aspiring flame. That frankness—that intrepidity of character which, in the onset of his career, had cast an imposing lustre over his actions and induced those who approached his person to admire his conduct, appeared totally lost, and he acted as though he regarded the honour and fortunes of his new subjects as the mere implements of his ambition. Although in minor respects penetrating, he was not sagacious in discerning his real interests ; and, as if hurried on by a resistless impulse, the deluded Pretender became the principal in a conspiracy, the leaders of which were glad to decorate their rebellion with the specious name of *Legitimacy*.

Once engaged in the pursuit, he seemed determined that nothing should arrest his course, and actually forsaking a people who had confided to his charge all they held dear on earth, he violated his plighted faith, and ceased to know that power is sure and permanent only when it springs from the affec-

tions of the heart. His palace was crowded by Portuguese refugees and to the furtherance of their schemes his time and attention devoted. By thus neglecting the concerns of the empire and asserting claims, to which he had not the smallest shadow of a title; by listening to the revolting absurdities, transmitted from Europe in the reports of designing and infuriated demagogues, who revealed the weakness of their cause by their clumsy and malignant efforts to defend it, D. Pedro not only filled the proud abode of his illustrious ancestors with ruin and confusion; but eventually paved the way to his own downfall.

If, however, his councils had been guided by a spirit of moderation; if he had made it the constant study of his life to promote the glory and prosperity of his adopted country, his offspring in that case would have been secured upon a firm and enviable throne, and he would have laid the foundation of Brazilian greatness upon so solid a basis that thenceforth it might have defied the storms of fortune. If he had acted according to his early pledges and consecrated his efforts to the welfare and consolidation of the Brazilians; had he governed their country according to its laws and interests, their eternal gratitude would have been his reward; if even, in a situation so peculiar, he had only dared to persevere with integrity, he would now have been shielded from disgrace, and the malevolence of his enemies would not have pursued him, with such unrelenting rigour, as that which marks every demonstration of public feeling wafted over to us from Brazil.

It is almost impossible to repress the ideas naturally excited by the contemplation of a period, the most eventful of any that has hitherto influenced the actions and opinions of the Brazilians; but I should have wished to have afforded them this opportunity of speaking for themselves, were I not afraid of being tedious. I shall however copy a short passage from the Proclamation addressed by the Brazilian Delegates, headed by the Bishop of Rio de Janeiro, to the Nation, on the 8th of April, as testimonies of this kind afford a clearer insight into the prevailing spirit than volumes of elaborate disquisition.

"Brazilians! A Prince, badly advised and brought to the brink of a precipice by violent passions and anti-national views, yielded to the force of public opinion, so gallantly declared, and acknowledged that he could no longer be Emperor of the Brazilians. The audacity of a party, entirely resting on his name; the outrages which we endured from a faction, always inimical to Brazil; the treachery with which 'unpopular men, held hostile to freedom, were suddenly raised to the ministry, put arms into our hands. *** Brazilians! Let us no longer be ashamed of that name; the independence of our country and its laws will henceforward be a reality. The greatest obstacle hitherto opposed to this is withdrawn from among us—he will quit a country, leaving behind him the scourge of civil war, in exchange for that throne which we bestowed upon him." &c.

That one fatal error, for which I am at the same time well convinced that his associates and advisers were more to blame than himself, should have brought that man in the character of an exile among us, who, on ascending the Imperial throne of Brazil, gave to the world a flattering presage of future glory to himself and happiness to his people, is a lesson too awful to be easily forgotten. To one

single error may be traced a series of actions, rashly undertaken and injudiciously pursued ; for, after all, the attempts made against the liberties of Portugal were planned with so little judgment, and entrusted to men, so totally destitute of talents, union and disinterestedness, that it was impossible they could succeed. The idea of recovering a kingdom, even were it his own, by empty appeals to the credulity of others, not interested in the enterprise ; by sending forth an heterogenous band, with only few exceptions, composed of the dregs of the nation, and by assembling and supporting them in a foreign and distant country without allies, or the co-operation of an internal faction at home, was in fact the height of folly !

Happily for mankind, ambition usually accelerates its own downfall, by the very means employed for its security. Temperate warnings had been of no avail ; the public danger every day became more imminent, and at length a general indignation was excited which could not fail to overwhelm the author of so many calamities in its consequences. D. Pedro soon found that no other alternative was left than to save himself by flight, and he was made sensible of the impending storm, at a moment when he was neither prepared to resist its fury ; nor had even fixed upon a place for shelter.

And, My Lord, is not this Brazilian event calculated to awaken in the breast of a British Statesman reflections of the most serious nature ? It happened at Rio de Janeiro, almost at the moment when our

Consul in Lisbon was preparing his Ultimatum, and both unfortunate circumstances evidently originated in the same fatal error ; for I do and ever will contend that a capital defect in the Treaty of Separation and the triumph of the Palmella party first deranged the affairs of Portugal and led to all the subsequent calamities.

The responsibility resting upon us, My Lord, is most awful. As regards Brazil, with the exhilarating sentiment of independence arose the spirit requisite to defend it, and yet a British minister became a party to a plan, intended to strip that country of its sovereign and gradually reconnect it with the mother-country, by means of a tie, which, he ought to have known, had been broken for ever. That responsibility is even much increased, when it is recollected that the Brazilians and their Sovereign were at the time well aware of the peculiar predicament in which they stood, and desired to have matters so arranged as to prevent all misunderstandings hereafter. Unhappily they were overruled ; yet we are officially told “that praise was due to the negotiator of the Treaty for having *diverted the Emperor from his desire to renounce the Portuguese Succession altogether!*”^{*} So much misled, or infatuated, was the minister of the day, in a question of such vital importance to three different Kingdoms !

In reference to Portugal, My Lord, we have other

^{*} Canning's Political Life, Vol. ii. p. 367.

errors to repair—other injuries to atone for, and not a moment to lose. The crisis is arrived when we are compelled to decide between two contending interests. We have to choose between the friendship—the regard of the Portuguese nation and the interested solicitations of a few disappointed intriguers, who, if we blight their hopes, if we do not go the lengths they wish, if we do not actually perform for them that which it is out of their own power to effect, will hereafter load us with curses and opprobrium, as they now do the Brazilians, because they refused to place revenues at their disposal and to furnish a fleet for their Terceira adventures.

It would be an error, of which I cannot think any European cabinet capable; it would be an act of self-deception, too gross and palpable, to suppose that the opposition, hitherto experienced from the Portuguese refugees, arose out of any preconcerted scheme of improvement, or was the work of real patriots, examining the disorders of their country with a view to correct them by the introduction of salutary institutions. Their cant upon this subject lost long ago its whole effect. For some time it deluded us in England; we saw men of rank and influence misled by it (and example is never without effect); but those days are gone by and cannot be recalled. We have experience of the men and their measures to appeal to, and that is the best and most unerring guide.

The plans, complaints and invectives of the refugees were re-echoed through every quarter of the

civilized globe ; they were believed and pitied, until the magical veil which surrounded their mysteries, was by the voice of truth eventually rent asunder. For some time, artifice succeeded in giving currency to the imposture in which they were engaged ; but, at length, it became apparent that their views were analogous to those of the projectors of 1820, the most distinguished of whom soon became convinced of the impracticability of radical reforms, and are now to be found among the most strenuous supporters of the new dynasty. The remainder clung together and formed a faction whose leaders, hurried away by the blind impulse of revenge, entered into a league for the avowed purpose of disturbing the legal course of the Succession, and thus laid the foundation of a schism, hitherto unhealed.

This is the *faction* of which the Brazilians now speak, as being ever “inimical to them ;” this is the *audacious party* who brought a “badly-advised Prince to the brink of a precipice,” and filled the Old, as well as the New World, with their disorders ; these, in short, are the men, first denounced by D. Pedro himself, and yet now converted into his advisers and supporters !

One would almost feel inclined to overlook inconsistencies in a rash, aspiring and inexperienced youth, if the consequences were not so awfully serious ; but for Mr. Canning to have again brought forward and fortified that party—that faction, in its diminished form, after what he had said and knew of it, is really astonishing. Speaking of their downfall and re-

peating his patron's sentiments, Mr. Stapleton tells us that there "was little reason to lament the event, for the Constitutional government neither gave satisfaction at home, nor inspired confidence abroad. It violated," adds he, "without scruple its engagements with Great Britain, by imposing upon British Woollens double the stipulated amount of duty and absolutely prohibiting British corn; moreover such signal instances of bad faith occurred in its diplomacy, that Mr. Canning, who certainly entertained any thing but an antipathy to Constitutional governments, could not regret the revolution which transferred the power of the State into the hands of the King, since the change afforded a better chance that British counsels, tendered with a sincere desire to promote the welfare of Portugal, might again be listened to by her Statesmen."*

The grounds of this opinion are not as disinterested as one might have expected; nevertheless, the sentiments conveyed very distinctly shew Mr. Canning's early experience of Portuguese Constitutionalists, and lead us to think that at the moment he was fully sensible of the importance of a restoration, effected through the efforts of a Prince whom he afterwards injured in the most delicate points. That he was fully sensible of the nature of the government, established in Portugal, from 1820 to 1823, and for whose restoration, unknowingly perhaps, he afterwards laboured more than any other man in Europe, may be clearly collected from many

* Political Life of Mr. Canning, Vol. ii. p. 200.

of his own explanatory remarks on its conduct to Brazil, and more particularly the following ; “but, when the King’s authority in Portugal was overborne by a faction—when orders were sent out by that faction to Rio de Janeiro in the King’s name, which, if carried into effect, would have led to a revolution in Brazil, D. Pedro had the courage and address to save the Monarchy in Brazil ; an object which he effected without drawing the sword, at a moment when the Monarchy in Portugal was reduced to nothing but a name.”*

And yet to the interests—to the eventual restoration of this very *faction*, as events have distinctly proved—as his official biographer himself clearly makes out, Mr. Canning devoted his assiduous efforts, by introducing an anomaly, inconsistent with all the best maxims of government and opposed to the ordinary rules of political wisdom.

For this inconsistency—this misconception of the real and permanent interests of both our allies, it is not for me to account. I touch the subject with a tremulous hand ; I enter upon this review with the utmost caution ; nor should I have gone so far if the materials had not been temptingly spread before me, for I venerate departed worth as much as any man, and light lie the ashes upon it ; but truth cannot be concealed, and we are at length reluctantly roused to the conviction that the fairest opportunity was lost of rendering the acknowledgment of Brazilian

* Ibid, p. 324.

Independence a seal of eternal concord between the two countries.

The reflecting man is too well acquainted with the bias of the human heart to trust to the validity of political transactions, in which interest has no share. As before noticed, the stake for which the Brazilians contended was of infinite value, as comprehending all their dearest interests, and these certainly the Treaty of the 29th of August was not calculated to promote; nor could it prove acceptable to the Portuguese, as it tended hereafter to restore men who had been driven from their country with every mark of indignity. The powers which, by virtue of that arrangement, D. Pedro was to assume, in Portugal, at his Father's death, were besides such as could not fail to awaken the strongest jealousies among a people who would have considered no form of government so degradingly oppressive, as that which was to be seated in a newly emancipated colony.

An expedient was indeed resorted to, in order to obviate this oversight; but, to suppose that the Brazilians ever gave their Emperor credit for his act of abdication, or imagined that he could transmit rights which he did not possess, would be the greatest piece of self-deception ever heard of. His eldest daughter they considered pledged to themselves; she was identified with the proud period of their own independence, and any attempt to destroy the future prospects of a minor they considered both unjust and unconstitutional.

How therefore this difficulty of governing the two countries did not strike the negotiators, is really astonishing, as they had such recent experience before them; but, if every thing had gone on, as anticipated, judging from the week's specimen already before us, the Portuguese would soon have seen their own Ordinances replaced by Imperial Rescripts which, without any other forms, would have acquired the consistency of law. Such an insidious reconnection by means of Protocols was therefore utterly impossible, and, no sooner was the fabric laid open to public view than it fell to the ground, as ought indeed to be the fate of all structures, raised on the basis of fraud, injustice and collusion.

It is lamentable to reflect on the many complications in the affairs of Portugal arising out of one error, in which the British minister unfortunately persisted to the very last, thus entailing on his successors difficulties and dilemmas of the most serious nature. D. Miguel was eventually released from confinement on conditions which it was out of his power to perform, because they were subversive of the fundamental principles of the Portuguese Monarchy and stripped a whole nation of its rights. He was blamed and upbraided for having forfeited his word, when he reached Lisbon; but, to have adopted any other course, he must have ceased to be a Portuguese. The country had declared against D. Pedro's acts; armies were formed to support the national rights; the public voice rejected the imposition of a distant yoke; spurned at a settlement of the Crown, made by foreigners, and

loudly demanded that the laws should take their course. D. Miguel could not be deaf to such an appeal, yet he did no more than declare his resolution to support the people in the exercise of their Constitutional rights, and, under similar circumstances, an Alfred—a George, or a William IV. would have done as he did. As the organ of the public will, he convened the National Council, when, the matter in dispute being referred to their decision, that Crown was legally placed upon his head which till then he had refused to accept.

It would be foreign to my purpose to describe the ferocious war instantly declared against the new sovereign by his enemies, of which this country has long been the theatre. The expedients resorted to make one shudder ; but, it is evident that his power, like the fabled strength of Antæus, has risen more formidable from every attack, and this circumstance alone is sufficient to inspire a favourable opinion of his talents, as well as of the union and energy of his ministers, since it will be readily allowed that it required no common share of courage and prudence to resist so powerful a combination—to conciliate and fix the affections of a people, incessantly instigated to revolt.

Yes, My Lord, time has shewn that insults and ill-treatment have only served to unite the sovereign's friends by closer ties, and his preservation is now identified with the welfare of every order in the State. As was the case, according to Hume, with our Charles II. "tenderness was excited by the memory

of his recent adversities ;” nay, so strong was the sense of the injuries inflicted upon D. Miguel ; so unbounded the confidence which he inspired, from the very moment of his return that, under any other circumstances, he would have become the object of the people’s choice. Persons may be influenced by friendship ; misled by prejudice, or biassed by party feelings ; but, My Lord, when an opinion is sanctioned by general suffrage, it is usually founded on reason, or supported by a predominant interest, and in the case in question both these powerful motives will be found combined.

From the 11th of July, 1828, we have beheld the Portuguese monarch wielding an authority confirmed by every form that can give stability to power, and from that period he has omitted nothing that could either promote the happiness of his subjects, or increase the security of the State. The government organized is a national one ; it is universally and cheerfully obeyed, and its functionaries readily dispose of the resources of the State. Deficiencies in the revenue are supplied by the donations of a people, in whom the love of their country is paramount to every other consideration, a people resolved to keep the solemn pledge by which they are bound to sacrifice their lives and fortunes in its defence. Round him the influential classes rally in the capital, at the same time that the provincial nobles have established a volunteer system of the most perfect kind. But the other day, a British officer of rank and distinction, assured me that he lately saw a corps of 800 as fine men as any sent

into the field, during the Peninsular war, raised and supported by one family. The same spirit avowedly pervades the whole country, and, according to the very latest accounts, has been much increased by the French aggressions.

I therefore do not hesitate to assert that the Portuguese people are devoted to their sovereign by the united influence of confidence and esteem. In their eyes, his past precautions and the successful manner in which he has resisted the machinations of envy and treason, have cast around his person a shield which the shafts of faction cannot pierce. By this means, he has acquired a popularity that amply compensates for his past misfortunes, and thus is it that he has established his power on a foundation, too solid to be shaken by the efforts of his enemies.

Let us, My Lord, divest ourselves of prejudices and look at the affairs of Portugal, as they really are. Let us be just and liberal—let us take the test of three years, and, in spite of falsehoods and misrepresentations, we shall find that, raised by legal suffrage to the throne, D. Miguel's power is built on its only true basis—the affections of his people; and, how much soever we may have been deceived, persons on the spot—distinguished countrymen of our own now among us, will confirm what I here venture to assert, and frankly declare that, by his firmness and moderation, he has reduced the factious spirit, excited by external agency, and restored confidence, union, and tranquillity to his dominions; and this, I

think Your Lordship will acknowledge, is the best test of political attachment.

Frequent attempts, even in the British Senate, were, as Your Lordship must well remember, made to excite unfavourable impressions against the young Prince ; and, seemingly convinced that in enterprises like these, the principal battery must be directed against the mind, his enemies, retaliating by every means which vindictive fury could inspire, invented a thousand absurdities, in order to render the mania of proselytism more contagious. Their success was most unaccountable, and we soon saw their efforts seconded by distinguished individuals among us, who never once reflected on their injustice, or the injuries they were inflicting on their own country.

Accustomed to regard the refugee tenets as orthodox, those who felt disposed to adopt them never stopped to examine the principles on which they rested. Thus was public opinion gradually perverted, and enmities excited against the heir apparent to an allied throne, even before an opportunity was afforded of judging his conduct or his policy ; nay, as long as the flame was constantly fed by fresh fuel, it seemed impossible that the fervour should abate.

The causes of a catastrophe which nearly annihilated the independence of Portugal and made that ancient Kingdom a principality of Brazil, are even at this moment—after three years experience and admonitions capable of rousing the most apathized,

too much obscured by the interest and inveteracy of a contending faction, to be discussed with moderation by any one of its adherents. Their feelings are too much interested—their hopes and fears too much excited to allow of the dispassionate exercise of reason ; and hence it is that we see among us men, who from their talents and situation, one would think, ought to be more liberal and better informed, when called upon to speak of the Portuguese government, conduct themselves with all the violence which personal animosity, party prejudice, or interested pride could inspire.

In the hue and cry raised on the floor of Parliament, a portion of the daily press exultingly joined, and, to the astonishment of every reflecting mind, implicit confidence was placed in the coarse inventions of persons who visited Portugal for the express purpose of manufacturing libels, or betook themselves to it, as a profitable occupation, on their return home. Details of occurrences were weekly disfigured by every monstrous passion that can deform and vilify the human heart ; for no sooner did the refugees discover that the young Prince was of a spirit too elevated to devote himself to their service—too patriotic to barter away his nation's honour, than they endeavoured not only to raise up enemies against him ; but also to ruin his private character, by resorting to calumnies and misrepresentations, and by displaying his actions in the most unfavourable light.

Such was the restless spirit of the leagued adven-

turers who found an asylum on our shores, that no lessons, however severe, could curb their licentious pens. Well aware that under the old denomination of Constitutionalists they could never again succeed, they raised up a question of Legitimacy, and conducted their plan with such consummate address as to deceive some of our most eminent lawyers and statesmen, and from that moment looked forward with assurance to the completion of their hopes.

Man is the slave of impressions and the fiction, gross as it was, succeeded for a while; nay, its authors and abettors really thought that they would soon be able to compel the Portuguese Sovereign and people to subscribe to whatever conditions they might be pleased to dictate. They redoubled their efforts; and as they were amply supplied with funds out of the purloined Portuguese dividends, expeditions were set on foot; itinerant preachers were sent to Portugal to sow dissensions and enhance the value of their favourite doctrines; magazines of incendiary papers were left at the disposal of stirring agents; whilst, at the same time, sectarians of all kinds invented the grossest falsehoods and plied the ready organs of their opinions with constant missiles.

Trading politicians became the avowed patrons of men who brandished the pen of controversy, by circulating vulgar personalities and loathsome invectives. Glorifying in the turpitude of their calling, native Portuguese, of the most immoral character, set themselves up as our instructors, and papers, written in a loose, arrogant and contradictory

style, were first distributed in influential circles with unlimited profusion, and if they had not by their absurdities defeated their own ends, it is probable that they would still have continued to insult the understandings of Britons.

Hence the greatest part of the polemic writings printed here in Portuguese, either for circulation in Portugal, or the instruction of those who understand the language, are pre-eminently distinguished by falsehoods and scurrility. When their charges had been rebutted—every distorted appeal to laws and precedents repelled, their authors had recourse to weapons of another description; these doughty champions of rights which they did not comprehend—these fiery gladiators in the cause of imposture and revenge, were seen dragging forth the private reputation of individuals opposed to them in political opinions, or personally offensive to them.

I should not have descended to remarks like these; I should not have offended Your Lordship's ears with a reference to base expedients which make the most callous heart shudder and fill the minds of reflecting men with honest indignation, if I had not perceived the lamentable consequences of these depraved acts; but, I hold them up to the contempt and abhorrence of my countrymen, because they are the handiwork of men who, in each line they pen, evince a professed dereliction of every social duty, and, by abusing that hospitality which they have found among us, deeply implicate us in the good opinion of a suffering and outraged nation whom it is their

wish to insult, now they find that their revolutionary schemes are ineffectual.

There are papers which issue from our presses, chiefly for circulation in Portugal and Brazil, the exclusive object of which is to heap calumnies and scurrility on the Portuguese Sovereign. Charges, the most foul and libellous, often of the most improbable character, are incessantly renewed. In the minds of discriminating persons, truth has always held before him a shield, against which the pigmy artillery of these besotted and slanderous railers played without effect; but, My Lord, impunity emboldens them, and, with unyielding obduracy, they continue to send forth their insidious firebrands. As they bear the London imprint, persons, ignorant of our institutions, are led to believe that such revolting publications could never issue from our presses, if the government had an interest in preventing it, and hence the bitterest resentments are engendered.

This disgraceful warfare often extends to English Journals, and yet all the while the illustrious individual, against whom it is waged, is, owing to his not being acknowledged, kept in such a situation as not to have it in his power to defend himself against the incessant attacks to which he and his government are exposed.

In a most memorable case, relating to a foreign potentate, which some years ago occurred in one of our courts, the presiding judge laid it down as law,

“ that any publication which tends to degrade, revile and defame persons in considerable situations of power and dignity in foreign countries, may be taken to be and treated as a libel, particularly where it had a tendency to interrupt the amity and peace between the two countries. If any publication contains a plain and manifest incitement and persuasion addressed to others to assassinate and destroy the persons of such magistrates, as the tendency of such a publication is to interrupt the harmony subsisting between two countries, the libel assumes a still more criminal complexion.”

And yet what can be conceived so strange and anomalous as that, through any possible circumstances, the Sovereign of Portugal should be placed in such a situation as not to be able to avail himself of the just administration of our laws, as a Napoleon Buonaparte once did. That D. Miguel is the *de facto* Sovereign of Portugal, is acknowledged by even his bitterest enemies; as well as that, notwithstanding the confused state of our diplomatic relations, peace and friendship subsist between Great Britain and that country. The publications alluded to openly and directly refer to him even by name. No gloss, or colour, is resorted to, and they consequently tend, in a manner the most obvious, to degrade and vilify one vested with kingly power and endeared to his own subjects. They are expressly written and printed to render his person odious and contemptible, and furthermore to compass his assassination.

The case brought forward in the Court of King's Bench, in February, 1823, is not half so aggravated as hundreds referring to him which might be instituted; the terms therein used are infinitely less personal and hostile, and yet the learned Judge, charging the Jury, told them "to consider how dangerous projects of this sort may be, if not discountenanced and discouraged in this country;" adding "that they may be retaliated on the heads of those most dear to us." His Lordship further said to the Jury; "Gentlemen, I trust your verdict will strengthen the relations by which the interests of this country are connected with those of France, and that it will illustrate and justify in every quarter of the world the conviction, that has been long and universally entertained, of the unsullied purity of British judicature, and of the impartiality by which their decisions are uniformly governed."

And, My Lord, is this system of defamation, carried on by certain Portuguese refugees and having revolt and murder for its object, to be tolerated? Is this a matter which government, consistently with its avowed principles of justice and the safety of British subjects in Portugal, can any longer overlook? Suppose, My Lord, for a single moment, that the peace and security of Portugal were disturbed, in the manner wished by the authors of these publications; suppose such a state of things was introduced there as that which we unhappily witness in Ireland, and the arm of power weakened; with such provocations before them, what would be the conse-

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quences, if the irritated populace were to take the law into their own hands?

Would it not, My Lord, be proper to have an inquiry instituted into the matter of these libels by His Majesty's Attorney General? If it should, I will undertake to lay the necessary materials before him; he knows me sufficiently well to be assured that I shall not shrink from a duty which I voluntarily undertake from a regard to our national honour. The learned counsel for the Defendant, on the occasion above alluded to, and now one of the firmest supporters of Your Lordship's administration, expressed himself to the following effect: "I do not make these observations with any purpose of questioning the general principles which have been laid down by my learned friend. I must admit his right to bring before you those who libel any government recognised by His Majesty, and at peace with the British Empire. I admit that, whether such a government be of yesterday, or a thousand years old, whether it be a crude and bloody usurpation, or the most ancient, just and paternal authority upon earth, we are *here* equally bound by His Majesty's recognition to protect it against libellous attacks. I admit that if, during our usurpation, Lord Clarendon had published his History at Paris, or the Marquis of Montrose his verses on the murder of his Sovereign, or Mr. Cowley his Discourse on Cromwell's government, and if the English ambassador had complained, the *Président de Molé*, or any other of the great magistrates who then adorned the Parliament of Paris,

however reluctantly, painfully and indignantly, might have been compelled to have condemned these illustrious men to the punishment of libellers."

And, My Lord, under so heavy a responsibility; in an affair so urgent, do we wait for this recognition until the murmurs of discontent are wholly stifled? The men who make these attacks, have no fixed and regular principles. They proceed onwards, only as vanity, or interest, impels them, and from past experience, as we have had ample reasons to know, if they could succeed to-morrow, they would be our most inveterate enemies. And, My Lord, is it at the feet of such men as these, that we wish to lay a Portuguese monarch prostrate, in the garb of a penitent supplicant, to expiate the crime of having dared to assert his hereditary rights, with the courage of a man and the dignity of a Prince? Is he to truckle—is he to submit to the insults of turbulent and lawless agitators, the greater part of whom he could justly stigmatize with the appellation of insurgents and assassins of his own reputation? Is this spirit of interested opposition which has prompted his enemies to make our country the theatre of their presumptuous boldness and extravagance, to prevail? Forbid it heaven! The honour of our Sovereign—the cause of royalty—our commercial interests—the lives of our countrymen residing in Portugal, demand that so atrocious an act of injustice should not be committed.

"Libels of the present day," said Mr. Burke, in his retort upon the Duke of Bedford, "are just of

the same stuff as the libels of the past; but they derive an importance from the rank of the persons from whom they come and the gravity of the place where they are uttered." So do the Portuguese think and reason in reference to what has been said of them in our Parliament. No one can call to mind, with any thing like feelings of composure, the speech on our Relations with Portugal, delivered by a noble colleague of Your Lordship, now placed at the head of Foreign Affairs, on the 30th of March, 1830, of which an *improved* edition was immediately prepared for circulation in Portugal, and a copy of it is now before me. If this had been the exclusive object of the speaker, he could not have been more successful, and hence his name has been recorded in golden letters in most of the Portuguese publications of that class to which I have before alluded.

I at the time answered this speech, as soon as I found it in an acknowledged form, and I now confidently appeal to the breast of the Honourable M. P. himself to say which of the two was most correct in his observations. I do not now wish to revert to mere matters of opinion, of which that speech was chiefly composed; I do not seek to repel personal charges, or arraign any one's sentiments on the merits of D. Pedro's Charter, the folly and ingratitude of those who rejected it, or even on the Vienna Protocols. I should not wish to disturb the noble Lord's maxims of Portuguese Legislation, or meddle with "the tutelary task of arranging the affairs of Portugal which he told us England and Austria took upon themselves;" but there is one single point to

which I cannot but call Your Lordship's attention, as it shews the very great difference of opinion expressed nearly at the same time by two individuals on the same topic.

VISCOUNT PALMERSTON, March 10, 1830.

"Events which have happened in the Brazils; determinations which the Emperor is understood to have taken, and circumstances which we hear are about to happen in Terceira, must necessarily induce our Government to pause and wait the course of events, before they take a step which might prove so embarrassing to them; and indeed if the reports which we hear are founded in truth, the Government is more likely to be under the necessity of recognizing a Regency at Terceira, in the name of Donna Maria, whose rights, as Queen of Portugal, they have openly acknowledged."

REPLY, May 1, 1830.

"Now, My Lord, what are 'the events which have happened in Brazil; or the determinations taken by the Emperor,' which can give any strength to the party at Terceira? Brazil has not declared war against Portugal and never thought of doing so. For months we have indeed been told that a Brazilian fleet and troops were coming over; but, My Lord, these were merely schemes and inventions, purposely got up, and laughed at by those who knew any thing of what was going on at Rio de Janeiro. These reports, like so many others, were circulated in order to delude the public and serve the ends of a few loan-jobbers. What, then, is there determined upon, or coming from Brazil, that is to make our Government pause in the recognition of D. Miguel?"

"I blush, My Lord, that delusions of this kind should acquire strength by being uttered in the House of Commons; I feel ashamed in having spent so much time in repelling charges, rendered formidable only by the circumstance of their emanating from persons deserving of credence among their countrymen; but I have undertaken the task and will go through with it, notwithstanding I have already out-stepped the bounds which I prescribed to myself in the onset.

"When you threaten Portugal with the power and determination of

the Brazilian Emperor, you must, My Lord, be unmindful of the situation in which he stands among his own subjects. Brazil is governed by a Constitution, and its enactments prevent the *Poder Moderador*, lodged in his hands, from disposing of either fleet, army, or treasury, at his own will. His authority is restricted, and if he goes beyond it, it is at his own peril. Are you aware, My Lord, that he has never yet mentioned the subject of Portugal, more than twice, to the Brazilian Chambers ; the first time when he told them that he had bestowed a Charter on the Portuguese and abdicated in favour of his daughter, on which occasion, he received no answer ; and the second, when he informed them that some of the Portuguese emigrants were coming over in search of an asylum ; a communication that was heard with marked disapprobation ? Have you not been informed, My Lord, that there is not a single act of interference in the Affairs of Portugal which either he, or his ministers, have yet dared to avow in the hearing of the Brazilians ? I have myself already informed you that the Captain of the frigate Isabel and M. Itabayana were dismissed for what they did in Europe. Did you never hear, My Lord, that D. Pedro's conduct, or rather that of his ministers, who alone are responsible, has repeatedly been condemned, in reference to Portugal, in the Chamber of Deputies ?"

This shews that D. Pedro's downfall, which happened about a year afterwards, could excite no astonishment in my mind, however little it was anticipated by others who professed to be well versed in Portuguese and Brazilian Affairs. I will waive the triumph of quoting my remarks on His Lordship's prognostics respecting Terceira ; but if such was the information—such the feelings of the noble Viscount, before he entered into office, is it to be wondered at that the affairs of Portugal are still in so perplexed a state !

A great change in public opinion on Portuguese affairs has however taken place, and numbers of persons begin to question the justice and efficacy of a cause which has exposed its followers to such heavy

penalties. During the whole of the past crisis—even amidst the violence of civil commotions, the conduct of the Portuguese government, did equal honour to its courage and its prudence. When assailed by plots and conspiracies from all quarters; when exposed to indignities of the most revolting character, not even the slightest retaliation was attempted against Brazil, on any one of the many vulnerable points that country presents. No single advantage was taken of D. Pedro's position, notwithstanding his agents were constantly engaged in seconding the efforts of the Portuguese refugees. The most scrupulous forbearance was observed, as though the constituted authorities in Portugal were convinced that, if the violence of the current could only be stemmed for awhile, the danger would subside and the fictitious power of the enemy perish from its own unwieldiness, or the enormity of the expedients resorted to in order to support it. Firmly persuaded of the excellence of their cause, they wished it to rest on its own intrinsic merits, little doubting that time and inquiry would eventually undeceive their enemies.

The triumph in Brazil has consequently been most complete. In the language of D. Pedro's agents, the Portuguese, true to their honour and faithful to their laws, were regarded as rebels, waging war against their lawful sovereign, and we were deceived into a belief of their assertions; but his own subjects, in accents not to be misunderstood, at length admonished him that he was the real rebel; that it was he who was untrue to his oaths and pledges,

and, considering him totally unworthy of further confidence, they testified their indignation at his conduct by the most unequivocal marks of displeasure.

And is not this demonstration of the Brazilians a sufficient approbation of all the Portuguese have done in their own defence? Is it not an irrefragable proof that it is the interest and the wish of these two nations to live in peace and amity with each other? Does it not clearly indicate that these kindred, but independent, people reject every arrangement that can tend to reconnect them? Does it not shew that they are determined to oppose every coalition; every bond of union, or federation, calculated in the least to affect their independence? Do we then wait for a more explicit condemnation of all that has been done for the settlement of the Portuguese Crown, whether in Vienna, London, or Rio de Janeiro? In what has happened in Brazil, is there not a most awful admonition distinctly addressed to us, and are we not thereby placed in a situation of the most alarming responsibility as regards both countries? In a word, are we not imperiously called upon to close the affairs of Portugal, and by every means in our power prevent the dissolution of Brazil?

On the latter subject, scarcely do I again dare to trust my pen. I tremble at the recollection of the prophetic spirit with which I have so long and so often denounced the inevitable consequences of D. Pedro's rash interference in the affairs of Portugal, and yet

mine was no extraordinary effort of sagacity. I judged only from the most evident signs. I consulted the state of the law and public feeling in Brazil; I explored the best sources of information, and merely take pride to myself for having had courage frankly to express what I felt and thought, at a moment when truth was considered tantamount to treason.

And, My Lord, do we wait for some dreadful catastrophe to rouse us to a sense of our duty towards Portugal? In the present advanced stage of this question, can we any longer forget that the Portuguese have repeatedly solicited our interference, in language highly descriptive of their distress? Can we be unmindful that, when threatened with the loss of their rights and liberties; when about to be stripped of every thing that a nation holds dear, they appealed to the justice and compassion of a people to whom experience had taught the value of freedom, trusting that we should sympathize with their sufferings and rejoice in the opportunity of contributing to the happiness and security of our oldest Ally? They invoked the faith of treaties; called to mind the principle which first led to a mutual connection between us, and enumerated professions over and over again exchanged during a period of four centuries. And, My Lord, have we not hitherto treated all these solicitations—all these appeals, with contempt?

Preservation is the usual origin of alliances between nations, and their object would certainly be

unnecessary, if all governments were alike actuated by the principles of universal justice. The early sovereigns of Portugal felt that their existence depended on the protection of a maritime power, and hence a connection was formed with our ancestors, which for reciprocal acts of service stands unparalleled in the annals of nations. The history of that intimacy, which redounds to our honour, is long and impressive; but we now, for the first time, behold the relations which grew out of it extended to a dissentient fraction of the allied nation; to a handful of renegades, liable to the denomination of rebels, and who are besides assembled in a foreign land outcasts from that country the banners of which they seek to usurp.

And is it for this dissentient party that the whole Portuguese nation is to be sacrificed? This party is besides inconsiderable. I speak after most careful inquiries, and fearlessly assert that the whole number of those who may be denominated D. Miguel's enemies does not exceed 10,000 persons, and of these one half would become his supporters, from the moment he could employ them and restore the rank which they have been accustomed to hold.

Complaints have been uttered against the Portuguese sovereign for severity, and yet if this matter be properly inquired into, it will be found that during his reign not a single punishment has been inflicted without the previous award of a competent tribunal. Since his accession, no more than 25 executions have taken place, some of which were

for murder, and all under such circumstances that to have shewn lenity to the sufferers would, far from indicating a forgiving temper, rather have been an act of folly and injustice. The king, however, had nothing to do with either their trial, or their condemnation; the laws took their ordinary course, and he pardoned such cases as, in the opinion of his legal advisers, seemed entitled to mercy; notwithstanding, in several instances, the conduct of some of the reprieved offenders rendered them liable to the severest punishments which the offended laws award, or an exasperated monarch could inflict.

It was impossible to spare all the principals in the successive conspiracies which have occurred, and those who had the best opportunity of judging their frequency, foulness, and extent, very distinctly declare that, in comparison with the civil wars in other countries, little blood has been spilled upon the scaffold in Portugal, during the present contest. No one felt more keenly for the few who thus expiated their crimes than the king; but these salutary acts of severity, legally inflicted, did not suffice to extinguish the rebellious spirit with which he had to contend. However much he might regret the hard alternative which he was forced to adopt, he was nevertheless justified by every principle of self-preservation, and the events which have since happened fully exculpate him from the calumnies of his enemies.

Gladly would the authors of the first dissensions have been welcomed back into the bosom of their suffering country, if they had shewn the least dis-

position to lay aside their restless habits. Readily would they have received permission to return and end their turbulent lives amidst the peaceful occupations of domestic retirement, had they sued for pardon, or offered the smallest atonement; but many of them, actuated by an implacable hatred, or judging that, having once thrown down the gage of battle they could not consistently take it up again, obstinately persisted in their malignant purpose, and thus became the eager plotters of the various conspiracies which for the last three years have not ceased to aggravate the calamities of their unhappy country.

The recollection of former services might have pleaded in favour of some, and the very general delusion which at first prevailed on the subject of the Succession, would have served as an excuse for others, had they not endeavoured to prolong the work of disorganization. Had the inward conviction of their own inability to continue the struggle only served to inspire sentiments of moderation; had they, with honest tears, lamented their early errors; had they not imbibed inveterate animosities against all those whose political persuasion differed from theirs by the slightest shade; had they not been impelled by the turbulent spirit of innovation and instigated by a wild enthusiasm to attempt the introduction of theories, at variance with the fundamental laws of the land; had they not indulged in gross and acrimonious invectives; had not the same hostile spirit, which pervaded their writings, also embittered all their calumnies; in a word, had they

not been borne away by infatuation and fury ; had their resentments not been implacable and their plans of vengeance atrocious, all might yet have been well with them, and some general measure would have enabled them to return home and blend with the population ; but, as matters now stand, it is impossible for the affairs of Portugal to be settled without some victims. So great, however, is the change that has of late taken place in the opinions of the refugees themselves ; so numerous have been the secessions from their party, and so small is the number of the tools still enlisted under the banners of designing leaders, that not more than 200 persons of rank and condition would be sacrificed by any final settlement of Portuguese Affairs, and even to them, with only a few exceptions, the door of reconciliation would be left open.

What is there then to deter us from looking steadfastly at this question ? It has been attempted to excite prejudices against the reigning sovereign on the score of his moral conduct, and some of our distinguished individuals have even arrogated to themselves the right of exercising a jurisdiction over the concerns of his private life. And is this either fair, or equitable ? What ! are the actions of a Prince, seated on a throne, awarded by the laws and secured to him by the sanction of common consent, to be controlled by the caprices of a licentious mob ; or was he to submit to all that the violence of rebellion might think proper to exact from him ? Was a Prince, in whom is vested every claim to the sceptre which the laws and lineal descent could

confer, to disarm the rancour of his enemies by supplicating for mercy at their hands?

From a patriot king nothing can be required beyond the sacrifice of his private feelings to the welfare of his people, and for this the present occupant of the Portuguese throne has full credit with his subjects. Let us approach nearer to him, and we shall find that he is not destitute of those qualities which give credit and stability to a throne; or of those talents which will transmit his name to posterity with respect. Falsehoods and calumnies, with all their odious auxiliaries, have been unceasingly resorted to in order to injure him, and such of his actions as were liable to an unfavourable interpretation, represented in the most odious colours. When attempts are made to expose the crimes of a sovereign to the indignation of mankind, recourse should not be had to fiction.

During the whole of the unnatural struggle in which he has been engaged, D. Miguel was left with no other support than that which he derived from the unshaken fidelity of his subjects, and before a correct opinion can be formed of him, it is requisite to compare his difficulties with his resources. Any other man would have been roused to resentment by slighter provocations than those which he has experienced. It is acknowledged that, even when wounded in the tenderest point—within the bosom of his own family, he evinced the most laudable forbearance and never once attempted to avenge his own private wrongs.

Whatever public calamities, or private sufferings have taken place in Portugal, are therefore to be attributed more to the nature of the warfare waged against those in power, than to any undue severity on their part. By his courtesy, the king has conciliated friends, and, by his courage, overcome enemies; but, with the lawless and revolutionary, it was scarcely to be expected that the voice of persuasion would produce what the tone of authority had ineffectually attempted. The want of resolution would have exposed him to the worst calamities that can befall a sovereign. Situated as he was, he had no other alternative than rigour, and this he softened by suitable acts of mercy. A system of coercion ought most assuredly never to be pursued, except in cases of necessity, and then it must be duly enforced. The government which relaxes before the danger has ceased, must inevitably fall. Such was the predicament of the Portuguese sovereign.

By their courage and perseverance, the Portuguese have at length regained their independence, and the national feeling thence derived is imprinted on their hearts in characters too strong to be effaced by any threats, or invitations of their deadly enemies. They have resisted the united power of influence and persuasion; braved all the dangers and calumnies by which they were assailed, trusting solely to their own efforts for protection. Every additional triumph gave fresh energy to their cause and taught them to look forward with increasing confidence to the completion of their hopes. All they wished for has now been attained so far as it lay in their power to

ensure success, and it is useless for a handful of agitators, domiciled among us, to question the legality of a government, established in the usual way, and under which their countrymen at home enjoy the advantages of reciprocal allegiance and protection.

No valid reason can therefore exist for excluding the Portuguese from the European league to which they were parties; no plea can be any longer adduced, that can warrant us to pursue measures which militate against the established principles of justice, wisdom and interest. Our situation, in reference to Portugal, as I have before observed, is most peculiar, and it has long since been evident that it is only under the preponderating influence of Great Britain that the remaining obstacles to the peace and security of that country can be completely surmounted. Our alliance with Portugal is purely defensive; consequently, of the most innocent character, as it merely rests on the conservation of the contracting parties; but, if the obligations contracted by the weaker party, as an equivalent for the protection of the stronger, have been scrupulously complied with, it follows that the return covenanted by the latter cannot be neglected, or abandoned, without a very painful sacrifice of national honour.

We are thus brought to look at the situation of Portugal as it is, at this moment, with a sovereign legally seated on the throne for the last three years and yet unacknowledged by us; a British squadron just returned to our ports; after, as it was publicly

avowed, enforcing the observance of subsisting treaties; our commercial relations in a deranged and confused state, and, lastly a French squadron committing the most wanton depredations on the commerce of a country which, by treaty, we are bound to protect, as much *as if it were England herself*.

After the hostile demonstrations against Portugal, lately evinced at the mouth of the Tagus, coupled with various instances of personal enmity on the part of some members of Your Lordship's administration, it would almost be a folly to expect towards a suffering people, never till now excluded from our sympathies, any of those sweet effusions of benevolence which give value to the most trifling present; but, My Lord, is not the season arrived for us to consider whether our national honour and good faith—our political and commercial interests are not wholly sacrificed by the suspicious and menacing attitude which the British government has assumed in this affair? Even were we no longer to consider gratitude as the strongest of all moral ties, does it not behove us seriously to reflect on the very awful predicament in which we leave a people, united to us by the strictest bonds of amity and reciprocal obligations? Is it not time to open our eyes to the fallacy of the system which we are pursuing in reference to Portugal? Are we not yet sufficiently admonished?

The leading features of Portuguese History have long been familiar to the British reader, and any further elucidations respecting either the origin, or

the intimacy of our connection, encumbered as they must be by the awkwardness of episode, or the proximity of useless details, would be irrelevant to the present purpose. The several preambles to our many treaties bespeak an identity of interests. The one, negotiated in 1810, expressly declares that the High Contracting Parties are animated "with the desire, not only of consolidating and strengthening the ancient friendship and good understanding which so happily subsist, and have during so many ages subsisted between the two Crowns; but also of improving and extending the beneficial effects thereof to the mutual advantage of their respective subjects," &c.

Shall professions like these, associated as they are with recollections refering to some of the proudest periods of our own history, during Your Lordship's administration, be set at nought? If, since our recent intimacy with France, some persons feel inclined to think that the political importance of Portugal is diminished, does that detract from the solemnity of our treaties, or are our commercial relations with our oldest ally thereby so much lowered in value as not to be worth preserving? For my own part, I cannot bring myself to consider our new acquaintance in any other light than as the brilliant meteor of a day, for the temporary gleam of which we ought not to forego a single solid advantage, already in our possession. France is our rival, and this has been apparent in regard to no country so much as Portugal. Her attempts to supplant us there have been unceasing, and this is not the first

time in our history that she has had a strong party at court, anxious to introduce her wines, to the detriment of our old established connections. Fortunately her endeavours have never yet prevailed.

In the First Letter which I addressed to Your Lordship on Portuguese Affairs, I entered into so very elaborate an inquiry respecting the origin and extent of our Commerce with Portugal, that any fresh attempt to revert to the subject might almost be deemed superfluous, if the very singular discussions which took place in the House of Commons, on the 12th instant, respecting the equalization on the duties of wines, had not intervened. Some of the remarks then made and some of the positions then established are, however, of so novel and extraordinary a character, that I cannot close the present effort, without alluding to the most material points submitted, on that evening, to the consideration of the House.

Mr. Poulett Thomson, in the opening of his speech, observed "that our trade with Portugal was not reciprocally advantageous; that Portugal had endeavoured, from the Methuen Treaty downwards, to deprive us of those benefits which we had a right to expect in return; that the stipulations of that treaty were detrimental instead of beneficial to us, and that it had been condemned by Adam Smith," &c. After which he adduced several arguments and illustrations in support of his premises.

From the year 1703, when the Methuen Treaty

was concluded, our commerce with Portugal acquired an entirely new character, and it is on record that the immediate operation of the simple arrangement then entered into, raised our yearly exports to that country from £300,000 to £1,300,000! It must, moreover, be borne in mind that the negotiation of this treaty was not solicited by Portugal, as, at the very period alluded to, her own woollen manufactures supplied her demands, domestic and colonial; whereas the woollen manufacturers of England suffered materially through the badness of the times and frequently implored the assistance of the Legislature "to support their tottering and declining trade." In 1699, the total value of our woollens exported did not exceed £2,932,292!

Under these circumstances, it was, that Queen Anne's minister at the court of Lisbon solicited the readmission of British woollens, which was agreed to on the special condition that England should admit the Wines of Portugal, at a rate of duty one third less than was required on those of France.

The Continental wars in which we were engaged, a few years after the formation of the Methuen Treaty, gave rise to a great stagnation in trade and a scarcity of money, when various complaints were again submitted to the House of Commons. Among others was a petition from the Merchants trading to Portugal, presented and read the 6th of February, 1705, setting forth that "being informed that a clause was added by the Lords to the Bill empowering Mathew Cary, merchant, and others to import

French Wines from Copenhagen, and also giving liberty to import wines, the growth of France, from Holland and Ireland, they were sensible that the same would be highly prejudicial to the trade in general," &c.

On the 11th February, 1706, the merchants trading to Portugal petitioned the House and observed that "the trade thither was of the utmost advantage to England, by the great exportation of corn and Woollen manufactures, and praying that consideration should be had how the Petitioners might for the future obtain redress in respect of convoys, and how so important a trade to this nation might be secured and encouraged," &c.

The Clothiers in the county of Gloucester and others also presented similar Petitions, and, on the 11th December, 1707, the Commons took into consideration the Report of the Committee to whom the same had been referred, agreeing to the Resolution thereof, viz.—"That the Nation would be very great sufferers, unless some very speedy remedy be found to take off the stop which has been put to the great number of Cloths, ready to be shipped off and exported, and thereon appointed a Committee to bring in a Bill, pursuant to that Resolution."

On Saturday, the 13th of December, 1707, the House of Commons proceeded to take into consideration the Report from the Committee to whom the Petitions of several Merchants trading to Portugal, Italy and Spain, were referred; and the Report,

together with the Resolutions of the Committee being read, they were agreed to by the House, viz.

1st. "That the Merchants have fully made out the several allegations of their Petitions ;

2ndly. "That the preserving the Portugal Trade is of the utmost concern to this Nation, being at present the greatest mart for the vent of our Wool-len Manufactures, Corn, Fish and other British commodities ;

3rdly. "That there was a considerable collusive trade in French Prize Wines carried on before, and that the same has increased since the falling of the fifteen pounds per tun ;

4thly. "That, except effectual provision be made to prevent the like practices with relation to the collusive trade of bringing in French Wines as if they were Prize Wines, it will not only be a great discouragement to the Portugal Trade and Traders, but also endanger the entire loss thereof : And there-on ordered a Bill to be brought in."

The Portugal Trade then received from the Legislature every consideration and the public continued to feel a strong interest in its preservation. On the 24th of February, 1708, a Petition from Merchants and others trading to Portugal, Spain and Italy, was presented and read, setting forth "that there being a Bill pending in the House to encourage the exportation of Tobacco and other

commodities, the growth and product of Great Britain and the Dominions thereunto belonging, the Petitioners craved leave to represent that, since the war, great quantities of Wines had been imported into this Kingdom from Portugal, Spain and Italy, which stimulated those Nations to take off a much greater quantity of our Woollen Manufactures and also Fish from Newfoundland, as well as other products of this Kingdom, than formerly, whereby much more shipping was employed, and the Portuguese who had set up the Manufacture of Cloth and well nigh brought it to perfection and thereon prohibited our Woollen Cloths, had for a few years past taken off the said prohibition, in order to encourage our continuing the consumption of their Wines, which prohibition they would in all likelihood renew, if a free importation of French Wines into Great Britain be given, because such importations would lessen the consumption of their Wines here, and consequently the exportation of the products of Great Britain (the returns thereof) and tend to the ruin of many Merchants trading to the said countries, not only by losses on the goods which they have already sent thither and are now sending, as well as on the Wines already bought there and freighted home in English shipping, but also by a future diminution of the trade to those parts," &c.

On the 4th May, 1713, and consequently after the conclusion of the Treaties of Utrecht, a motion was made in the Commons by the Court Party, at the time extremely obsequious to the French, to suspend, for two months, the duty of as much as £25.

per tun on French Wines ; or, in other words, to equalize them with those of Portugal. This proposal, which evidently aimed at the destruction of the Methuen Treaty, and, if realized, would consequently have occasioned the overthrow of that valuable exchange of the two important commodities specially resting upon it, spread general alarm throughout the Woollen districts, and thereon numerous Petitions were forwarded to Parliament.

On the following 6th of May, a Petition from the London Merchants and others trading to Spain and Portugal was presented to the House of Commons, setting forth, " that the Trade to those countries had always been beneficial to the Kingdom, by taking off large quantities of Fish, Corn, Leather and all sorts of Woollen Manufactures ; that the French Trade had been uniformly prejudicial to this Kingdom ; that if the duty on French Wines was no more than on those of Spain and Portugal, it would amount to a prohibition of the latter ; that if Spanish and Portugal Wines are not imported, the ships that carry Fish to those places will be obliged to come home dead-freighted, which would discourage the Fish Trade and prejudice Navigation, and the King of Portugal would in all probability lay a prohibition against our Cloths ; and further praying that if any alteration be made in the duty of French Wines, those of Spain and Portugal may not exceed two-thirds of any such duty," &c.

On the ensuing 26th of May, the Clothiers in the county of Gloucester, by petition, submitted to the

House "that, if any alteration in the laws should take place, detrimental to the exportation of our Woollen Manufactures to foreign countries, a great part of the nation's riches would be lost; the poor would besides daily increase and become chargeable to their parishes," &c.

June 4th, a Petition from the Clothiers of Troubridge, Froome, Bradford and the villages thereunto adjacent, was presented, setting forth that, by a Commerce between England and Portugal, the duties in England are to be one-third higher upon the Wines of France than those of Portugal, similarly reciprocal duties only being paid on the Woollen Manufactures of Great Britain in that country; that great quantities of goods are yearly exported and sold there, much more than the value of the Wines, Oils, &c., imported therefrom, by which means many thousands of families are maintained and a great balance continually owing to this kingdom; and that a law to reduce the duties on French Wines as low as those of Portugal, might induce the latter to lay a high duty on the Woollen Manufactures of Great Britain, to the utter ruin of that Trade; that, by not passing such a law, as aforesaid, the treaty with Portugal may still subsist; whereas the passing it may endanger the Petitioners' trade, by the consequent loss of the exports of Woollen Manufactures there, without gaining any equivalent, and at last be the ruin of the Petitioners, as well as of many thousands of families, maintained by the same and the exports to Portugal," &c.

Similar petitions were successively presented from Worcester, Bristol and Colchester; from the Clothiers and Bay-makers of Bocking, Baintree and Dunmow, in the County of Essex; from the Clothiers and Woollen Manufacturers in the County of Gloucester; from the Say-makers and Clothiers of South Halstead and Castle Headingham, in the County of Essex; from the Woollen Manufacturers of the Towns of Leeds and Huddersfield; from Ludbury, in the County of Suffolk; from Witney and other parishes of Oxford; from Westbury, Heytesbury, Warminster, Wilton, Norwich, Taunton, Tiverton, Nottingham, &c. Petitions on behalf of the shipping interest, especially from London, Whitehaven and Plymouth, were also presented.

A variety of documents and returns were called for by the House, in order to shew the nature and extent of our Trade with Portugal; several experienced merchants were examined at the bar, when, after a deliberate inquiry and the most strenuous exertions on both sides, the Bill to equalize the duties was thrown out, notwithstanding the weight and influence of the Court Party and Ministers.

The preceding transactions stand recorded on the Journals of the House of Commons, and clearly prove the opinions entertained of the importance of our trade with Portugal, in former times. It may in fact be said that, from the period of the Methuen Treaty, our united exports from England, Ireland and Colonies, were not annually less than a million and

half sterling, and on an average continued at that rate for nearly a century, thus affording employment to our shipping and profits to our merchants, besides the regular introduction of large quantities of bullion. Considering the amount of our Commerce in those days, the trade carried on with Portugal was indeed of great magnitude, and fully justified the estimation in which it was held by those who were practical judges of its value and extent.

From returns which I have already laid before the public,* it appears that, on an average of 28 years, viz. from 1800 to 1829, 371 British and 119 Foreign vessels annually cleared outwards for Portugal and her Insular dominions, independent of about 50 more from Ireland and 150 from Newfoundland.

The following statement also shews the value of the exports from Great Britain to the Portuguese dominions, of late years, independent of about £150,000 more from Ireland and £200,000 from Newfoundland.

		IMPORTS.			EXPORTS.
		Official value.			Official value.
1810	—		—		2,228,833
11	—		—		6,164,858
17	—	632,482	—		1,757,984
18	—	776,180	—		1,370,655
19	—	509,572	—		1,623,907
20	—	465,273	—		1,908,879
21	—	480,609	—		2,795,385

* First Letter to Earl Grey, page 82.

		IMPORTS.			EXPORTS.
		Official value.			Official value.
22	—	546,173	—		2,774,851
23	—	566,353	—		2,146,473
24	—	450,730	—		2,670,191
28	—	587,355	—		2,581,757
29	—	584,818	—		1,764,032

And, My Lord, is not such a commerce as this sufficient to fix the attention of a British Statesman ? In disparagement of it, when speaking of our woollens, the President of the Board of Trade remarked that our exports of that article to Portugal in 1828, amounted only to £164,000, and in the last year to £214,000.* In this I cannot help thinking that there is some mistake ; but, at all events, it is unfair to take an isolated year as a criterion of the value of our exports to any country. From the memorable “ Report on the State of the British Wool Trade, ordered to be printed by the House of Commons, July 8, 1828,” our exports of Woollens to Portugal, compared with those to Brazil, Germany and the East Indies, for thirteen years, stand thus, the year ending the 5th January.

	Portugal.		Brazil.		Germany.		East Indies.
	£		£		£		£
1816	727,805	—	352,183	—	460,425	—	1,060,765
17	566,453	—	343,135	—	423,671	—	1,027,251
18	572,662	—	369,817	—	544,681	—	827,726
19	381,613	—	564,392	—	678,665	—	943,184
20	412,415	—	406,417	—	500,829	—	938,217
21	426,851	—	342,044	—	588,223	—	1,348,463

* Times Report.

	Portugal.		Brazil.		Germany.		East Indies.
1822	386,948	—	322,560	—	566,119	—	1,421,555
23	342,814	—	205,560	—	581,901	—	1,080,479
24	285,625	—	293,149	—	576,588	—	1,044,806
25	475,685	—	303,431	—	568,988	—	979,315
26	360,468	—	357,709	—	582,620	—	898,883
27	349,936	—	202,844	—	571,988	—	1,193,799
28	263,659	—	340,740	—	665,253	—	804,935

From these returns it follows that our exports of Woollens to Portugal are much greater than those to Brazil; indeed on examination it will be found that the trade carried on by us with the former has materially increased since the latter became independent, a fact which is not very generally understood. Germany, the East Indies and the United States are the only countries which take from us more Woollens than Portugal, and, as seen from the preceding returns, the latter ran the race with Germany for several years, and if our exports of this article to Lisbon and Oporto have of late declined, it is entirely owing to the convulsed state of the country and the consequent stagnation of trade.

Is this then, My Lord, a commercial connection that ought to be disturbed for the eventual prospect of adding to the revenue £180,000, for that seems the only object proposed by the equalization of the duties on Wines? The result of the measure is by no means certain, as it is a query whether the use of French wines can be increased; but, at all events, retaliation by Portugal is inevitable, whatever may be the opinion of the President of the Board of

Trade upon this part of the subject. Our merchants would then have to pay 30 per cent. duties instead of 15, and this alone would throw the market open to the French, as it was from 1804 to 1808.

The Honourable Gentleman spoke very lightly of the duties on cured codfish being raised, on the exportation of which he had been told that the very existence of Newfoundland depended, and, in order to allay all apprehensions upon this head, he asserted that "a similar attempt was made by the Cortes; but such a clamour raised against it that it was given up; and it should be remarked, "added he," that one great cause of the popularity of the late Queen of Portugal on her entry into Lisbon was the proposed reduction on fish."

This information is totally incorrect. In 1821, that is, in the time of the Cortes, a Report was made by the Committee of Commerce respecting the interpretation to be given to the 26th Article of the Treaty of 1810, setting forth "that the stipulations contained in former Treaties concerning the admission of the wines of Portugal, on the one hand, and the woollen cloths of Great Britain, on the other, shall at present remain unaltered." From this clause the Cortes argued, notwithstanding Art. XV. declares that "all goods, merchandize and articles whatsoever of the produce, manufacture, industry, or invention of the dominions and subjects of His Britannic Majesty, should be admitted on paying generally and solely duties to the amount of 15 per cent.," that woollens were excepted by the subse-

quent article aforesaid, and consequently liable to the old rate of duty, viz. 23. An additional argument was also raised from the high duties required by us on the wines and other produce of Portugal; but the proposed measure had no reference whatever to codfish; nor was it counteracted by any popular clamour.

The mistake, as regards the late Queen of Portugal, is still more remarkable, Maria I. ascended the throne at the commencement of 1777, and on the 18th June, 1787, she issued a royal order,* expressly to encourage the fisheries of the Kingdom and adjacent islands, at the same time taking off various duties on fresh and cured fish, caught upon the coast, which rendered an essential service to the poor people. The spirit in which this measure was adopted was therefore totally the reverse of that which the President of our Board of Trade supposes, and it is a well-known fact that nothing would render a Portuguese monarch more popular than the encouragement of the fine fisheries on the coast of Algarves, which would soon render the country independent of external supplies. As a further elucidation of this spirit it ought again to be remarked that, only a few years ago, the Portuguese obtained a dispensation from the Pope not to eat fish in Lent, which alone would have diminished one half of the supplies of the cured codfish required. It is curious that the publication of this grant was prevented by

* *Collecção da Legislação Portuguesa, desde a Ultima Compilação das Ordenações, &c. from 1775 to 1790.*

British agency, entirely in compliment to that same Newfoundland trade which it is now affected to despise.

Adam Smith's authority has been quoted to shew the inexpediency of the Methuen Treaty ; but this Treaty is no longer the standard of our commercial relations with Portugal. By that of 1810, the duties of 23 per cent, formerly payable on our woollens, were reduced to 15, whereas other nations pay 30. By this means, we actually stand in the position which Adam Smith himself describes in these words ; " When a nation binds itself by treaty either to permit the entry of certain goods from one foreign country which it prohibits from all others, or to exempt the goods of one country from duties to which it subjects those of all others, the country, or at least the merchants and manufacturers of the country whose commerce is to be favoured, must necessarily derive great advantages from the treaty. Those merchants and manufacturers enjoy a sort of monopoly in the country which is so indulgent to them. That country becomes a market more extensive and more advantageous for their goods ; more extensive, because the goods of other nations being either excluded, or subjected to heavier duties, it takes off a greater quantity of theirs ; more advantageous, because the merchants of the favoured country, enjoying a sort of monopoly there, will often sell their goods for a better price than if exposed to the free competition of all other nations."*

* Wealth of Nations, Book iv. Chap. 6. of Treaties of Commerce.

The real nature of our actual commercial relations with Portugal could not be more accurately described. Speaking of the Methuen Treaty, as an isolated model of commercial treaties, Adam Smith does indeed afterwards say that it is advantageous to Portugal and disadvantageous to Great Britain;" and so at first sight it would appear; because, as that author very judiciously observed, "by this treaty the Crown of Portugal becomes bound to admit the English Woollens upon the same footing as before the prohibition; that is, not to raise the duties which had been paid before that time; but it does not become bound to admit them upon any better terms than those of any other nation, of France, or Holland, for example. The Crown of Great Britain, on the contrary, became bound to admit the Wines of Portugal upon paying only two-thirds of the duty which is paid for those of France, the wines most likely to come into competition with them."*

The remark, at the time it was made and with the simple Treaty before him, was both obvious and just; but, I ask the Honourable President of the Board of Trade whether Adam Smith would have drawn the same conclusions, if such a Treaty as that of 1810 had existed in his days, in virtue of which, as I before observed, we pay 15 per cent. duties, at the same time that others pay 30. Would he have considered the Methuen Treaty exclusively advantageous to Portugal, if he had known that its opera-

* Ibid—Ibid.

tion destroyed her woollen manufactures and tended to raise our own? Would he have made such an assertion, if he had taken into consideration that whilst a British capital, equal to Two Millions and a half, is annually employed in the commerce of Portugal, the Portuguese do not furnish more than about £250,000, which I consider the full value of their wines, as taken from the hands of the grower? Would he have spoken so lightly of that very same Treaty, as some gentlemen are now in the habit of doing, if he had been aware that its negotiation was solicited expressly as a relief "to the tottering and declining trade" of our own woollen districts? Whilst on the topic of commercial treaties, would he not have pursued his inquiries a little further, if he had been aware that the very document in question eventually made the Portuguese dependent upon us for supplies of both flour and cured codfish?

As far as my own impressions go; or rather, as far as I understand the remarks before me, Adam Smith paid the greatest compliment possible to our commerce with Portugal, and were he writing at the present day, he would be the first to acknowledge its importance. He does indeed inveigh bitterly and at great length on the impolicy of prohibiting the exportation of the precious metals, which, he argues, is highly detrimental to Portugal, and yet he seems to have been very well aware that by some means, or other, we annually brought away from the Tagus more than a Million Sterling, as part of our returns, on which the Portuguese were the only losers, by

refusing to impose a duty on a merchantable commodity, regularly smuggled off almost at noon day.

We cannot, I repeat, judge of our commercial relations with Portugal by the Methuen Treaty. We must take them as they are in practice—as they stand under the operation of all our treaties. According to this test, let us see on which side the advantage lies.

At present, we favour Portugal, compared with France, by a reduction of 2s. 5d. on each gallon of her wines, which preference on 25,000 pipes, or 2,875,000 gallons, amounts to £347,395. 16s. Taking the year 1828 as a standard, we export to Portugal from Great Britain £2,581,757, on the entry of which we pay 15 per cent, whereas other nations are charged 30. On this amount alone we therefore enjoy a preference equal to £381,263. The Portuguese next admit £150,000 from Ireland and £200,000 from Newfoundland at low duties, by which we further save £105,000. The outward and homeward profits chiefly accrue to us, the double shipments being principally on British account, the Portuguese not shipping more than one tenth of their own wines, for example, as I have before noticed. Practical men, even in these hard times, do not estimate our aggregate profits derived from the Portugal trade at less than half a million sterling, and we besides give annual employment to 700 vessels, navigated by 100,000 seamen, the collective freights of which are not less than £250,000.

No abstract theories can take from the importance of a trade, the benefits of which our merchants have enjoyed and acknowledged for nearly a century and a half. This is an experienced good to which speculative ideas must give way, and yet the above is not the whole of the commerce that country is susceptible of carrying on with us. The prospects of Portugal have been obscured by a transient cloud; but, independent of the advantages of situation, she possesses great resources within herself, and the annalist of Portuguese affairs will have to record better times. If we divest ourselves of prejudices, we shall moreover find that improvement in Portugal would not be deemed dangerous, or rejected as unwholesome, if presented under a proper form, and that improvement, I distinctly declare, we ought to be the first to encourage.

Among ourselves, more perhaps than any other nation on earth, commercial enterprise has proved the most prolific parent of individual wealth and the truest source of national prosperity. "Next to peace," did one of Your Lordship's own firm supporters eloquently observe, "our commercial greatness depends chiefly on the affluence and prosperity of our neighbours. A commercial nation has indeed the same interest in the wealth of her neighbours, that a tradesman has in the wealth of his customers. The prosperity of England has been chiefly owing to the general progress of civilized nations in the arts and improvements of social life. Not an acre of land has been brought into cultivation in the wilds of Siberia, or on the shores of the Mississippi, which

has not widened the market for English industry. It is nourished by the progressive prosperity of the world and it amply repays all that it has received."

Why then do we not apply these maxims to Portugal, since I am very confident they are such as constitute the political creed of all Your Lordship's colleagues. There these beneficent ends can never be attained, as long as the ravages of civil war continue. An evil, of another nature, far more destructive than even the scourge of intestine dissensions, has long threatened that country. A spirit of innovation has spread with desolating rapidity and if not checked in time, would have been attended with the most direful consequences. Why then do those who plot the calamities of Portugal, continue to receive encouragement among us? Why do we repine at such regulations as our Allies have thought proper to establish for the extension of their agriculture and the protection of the fruits of their industry? Why do we not act up to the spirit of our treaties; why do we persist in so gross a misconception of our real interests, and why do we not restore Portugal to her accustomed rank among the States of Europe?

From the details into which I have entered, it therefore becomes our duty to pause, before we shut out our merchants and manufacturers from their best hopes of tried and successful enterprise. I rather contend that the moment is arrived for the renewal of our ancient alliance with Portugal, on terms of mutual utility, and such a measure, I am confident, would be the offspring of the soundest

policy. Considerations of a political tendency besides concur to sanction so salutary a determination. Portugal is not now alone concerned in the settlement of this affair. Brazil has her eyes upon us. She wishes to live in peace and amity with Portugal, and this can never be, if the present order of things is overturned. She knows better than we do the real views and wishes of that band of aspiring adventurers whom she has driven from her insulted land, and never can forget the insidious purpose for which Portugal was designed, in case their plans had succeeded.* Again do I remind Your Lordship that the eyes of Brazil are upon us, and that she is feelingly alive to every event that can happen in Portugal. According to our present Treaty with Brazil, which shortly expires, we stand precisely on the same footing as other nations and pay 15 per cent. duties; but, according to the general feeling prevailing there, we cannot expect to renew our commercial relations on the same terms. The Brazilians already very distinctly assert that they will not hereafter admit the merchandize of any nation, at low duties, which does not consume their produce, and I have every reason to expect that it is upon this principle that they intend to act. They consider themselves included in the conspiracy formed against

* "His Imperial Majesty then talked of conciliating the affections of the Portuguese by giving them a Constitutional Charter, and, if the war should turn out unsuccessfully in the South, (meaning Buenos Ayres) of obtaining military succour from Portugal, with a view to diminish the burden which is already severely felt in this country."—Letter of Sir Charles Stuart to Mr. Secretary Canning, dated Rio de Janeiro, April 30, 1826.

the liberties of Portugal, which constitutes so prominent a feature in the negotiation of the Treaty, ostensibly intended for the acknowledgment of their independence ; but which brought the two countries into the most serious misfortunes from which they have however luckily extricated themselves, and certainly, My Lord, it cannot be our interest to incur the odium of the Brazilians.

Motives of both interest and policy thus loudly call upon us to settle our affairs with Portugal, at present in the most complete state of confusion. Endless invectives, whether respecting the Oporto Wine Company, or the infractions of privileges, can produce nothing but altercations and enmities, so long as the interpretations put upon our mutual obligations vary so widely. Let our political and commercial relations be properly defined, so as to admit of neither doubts nor abuses. If we are to continue to be the champion of Portugal, let her know the stipulated price of our protection ; but, if we decline the charge, let it be done in a decorous manner. We have wrung from that country every thing that it was possible to grant, and if the British government at the end of a century and a half shall have discovered that her commerce is not worth our keeping, in the name of God, let it be given up without reviling and, above all, let us not inflict injuries which, some day or other, must necessarily recoil upon ourselves. We have much to answer for in what has happened in both Portugal and Brazil ; but, as regards the former, we have still specific duties imposed upon us by Treaties, of which we

cannot evade the performance without a breach of national honour, and it never can be forgotten that it is as much from a punctilious adherence to our engagements, as from the greatness of our power and the splendour of our wealth, that our great and merited renown has been derived.

I now lay down my pen with sincere and ardent wishes for the triumph of the laws and the restoration of harmony and good order in Portugal. Early remedies only can atone for the errors and repair the injuries inflicted on that unhappy country, and of their application I would gladly see Your Lordship have the exclusive merit. Much should I rejoice to see our good name restored among a people whose friendship was indispensable to us, only a few years ago, at a time when our existence as a nation was at stake, and with whom we have been so long connected by a coincidence of views and reciprocal esteem. Be not appalled by the magnitude of the task, My Lord, the difficulties will disappear as they are approached, and the grateful acknowledgments of our countrymen crown the beneficent enterprise. Have therefore, My Lord, I conjure you, the courage and the glory of terminating the affairs of Portugal and shielding Brazil from further harm. This is an undertaking worthy of a British Statesman, and that it may so appear to Your Lordship, is the sincere wish and earnest prayer of

Your Lordship's obedient servant,

WILLIAM WALTON.

London, July 20, 1831.

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